THE

CIRCULAR ORDERS

PASSED BY

THE COURTS OF

Nizamut Adawlut,

FOR

THE LOWER AND WESTERN PROVINCES,

AND

COMMUNICATED TO

The Session Judges, the Magistrates, and other Authorities of those Provinces.

VOL. III.

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CIRCULAR ORDERS,

PASSED BY

THE NIZAMUT ADAWLUT,

AND COMMUNICATED TO THE

Commissioners of Circuit, Session Judges, and Zillah and City Magistrates,

BY THE

REGISTER OF THAT COURT.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.*

Lower Provinces, the 15*th September*, 1837.
Western Provinces, the 10*th November*, 1837.

No. 1.

In what cases corporal punishment can be inflicted on a convict under sentence of labor in irons.

THERE being reason to believe that it is considered allowable to punish with stripes the crime of escaping from jail, or from the custody of a guard, such acts being supposed to amount to a "breach of jail discipline," the Court of Nizamut Adawlut direct me to inform you, that corporal punishment can be inflicted on a convict under sentence of labor in irons, only when such punishment may be considered absolutely necessary, at the moment, to quell a riot or disturbance among the prisoners, or in cases of violent resistance to the jail officers, or any other refractory conduct on the part of a prisoner, such for instance as a contumacious refusal to work, where the punishment may follow so immediately upon the offence as to be calculated, by the force of example, to deter others from the commission of like acts.

* This and the two following Circulars were omitted in their proper places.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE NORTH WESTERN PROVINCES.

Western Provinces, the 15th November, 1837.

No. 2.

Requesting that in their future monthly miscellaneous criminal statements, No. 1, the magistrates will insert a note in the column of remarks, indicating the particulars specified.

UNDER instructions from the Hon'ble the Lieutenant Governor, I am directed by the Court to request that in your future monthly miscellaneous criminal statements, No. 1, you will insert a note in the column of remarks, shewing the number of moochulkas taken at the several police stations of your district during the month; the total number of persons apprehended by the several police officers; the number unconditionally discharged; the number forwarded to the Sudder station with or without the orders of the magistrate; and the number released on moochulka, or bail, under the provisions of Clause 11, Section 20, Regulation XX. of 1817.

2. The object of the present order is to enable both yourself and the superior courts to exercise a more efficient supervision and control over the proceedings of the police officers, in the performance of the very important duty entrusted to them of taking cognizance of criminal offences, to which subject I am directed by the Court to request your particular attention.

A copy of the above Circular has been forwarded for the information and guidance of the Commissioners of Circuit and Session Judges in the North Western Provinces.

TO THE COMMISSIONERS OF CIRCUIT, CIVIL JUDGES, AND MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND NORTH WESTERN PROVINCES.

Western Provinces, the 17th November, 1837.
Lower Provinces, the 15th December, 1837.

No. 3.

Communicating observations regarding the custody and disposal of unclaimed property, and property of persons dying intestate.

IT having been brought to the notice of the Court that considerable difference of opinion and practice prevails as to the manner of disposing of "lawaris" property, I am directed to communicate to you the following observations on the subject.

2. The Court observe that the difficulty appears to arise from the magistrates confounding "unclaimed property" with the "property of persons dying intestate" (lawaris.) With regard to the former, I am directed to refer you to Clause 16, Section 16, Regulation XX. of 1817, which expressly declares that it shall be considered the property of Government; and that whatever property of that description may come into the hands of the darogahs of police, shall be forwarded to the magistrate of the district: as respects such property therefore, the disposal of it clearly rests with the magistrate, subject, of course, to the control of the commissioner and Government, without any interference on the part of the civil court.

3. With regard to the custody and disposal, on the other hand, of the property of persons dying intestate (lawaris), the Court direct me to observe that Clause 7, Section 16, Regulation III. of 1803,* contains a specific provision, and declares that should no claim be preferred to it for the space of twelve months, an inventory of the property, together with a report of the circumstances of the case, shall be submitted, by the judge, to the Governor General in Council for his orders. Whenever therefore any property, of that description, may come into the hands of a magistrate, he should forward it immediately to the judge of the district, to be dealt with in the manner directed in the Section of the Regulation above quoted.

* Section 7, Reg. V. of 1799, for Bengal.

TO THE COMMISSIONERS OF CIRCUIT, SESSION JUDGES, AND MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, the 15th December, 1837.
Lower Provinces, the 5th January, 1838.

No. 4.

Transmitting for adoption the form of a register of fines, authorizing any necessary additional checks, and calling attention to certain particulars.

THE Court, having had under their consideration the returns to the Circular dated the 30th December 1836, are pleased to direct the adoption, by yourself and the courts subordinate to you, of the accompanying form of a general register of fines.

2. The object of the Court in prescribing the use of this form is to provide against the misappropriation, on the part of any of your ministerial officers, of moneys paid into court: but it is not intended to prevent the adoption of any additional checks which you may consider necessary.

3. The Court request that due attention be paid to the entry in the register of all fines immediately they are imposed,—to the issuing of perwannahs to the nazir to realize the amount of such fines,—and to the examination of the register at the commencement of every month, by the head clerk, serishtadar, nazir, and treasurer of your court.

Register of Fines imposed and realized by the Magistrate of Zillah———.
by the Judge of Zillah———.

Date.	No. of fine.	Name of persons fined.	On what account fined.	Amount of fine.	Amount realized.	Date.	Signature of Nazir.	Signature of Treasurer.	Signature of Magistrate.	If not realized or if remitted, ground to be entered here.
				Rupees.	Rupees.					
October 23d,	206	Ramdhun,	Assault,...	5	5	October 23d,	D. E.	F. G.	A. B. C.	
Ditto,.....	207	Shureeut,	Contumacy,	10	...	.....	.....	.....	.....	Sent to jail for 10 days in lieu of fine.
Ditto,.....	208	Sheik Edu,	Affray, ...	50	50					
Ditto,.....	209	Tumeez-oodeen,	Neglect of duty, ...	25	25	.....	.....	.....	.....	Fine re-paid, having been remitted by the superintendent of police.

Abstract.—Fines imposed during the month of 100
Realized, ... 50
Remitted, ... 30——80
Under realization by Nazir, ... 20

TO THE SEVERAL COMMISSIONERS OF CIRCUIT, SESSION JUDGES, AND MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, the 8th December, 1837.
Lower Provinces, the 12th January, 1838.

No. 5.

On the competency of a session judge to comply with a magistrate's application for the original or copies of the former officer's proceedings in a trial committed to the sessions.

A QUESTION having lately arisen as to the competency of a session judge to comply with the application of a magistrate to be furnished with the original, or copies of the former officer's proceedings in a trial committed to the sessions, I am directed by the Court to inform you that if in particular cases of the above description any special grounds should exist, rendering it desirable, in the opinion of the magistrate, that he should see any part of the evidence taken before the sessions court, either to enable him to follow up his enquiries in the case, or for any other purpose connected with the administration of criminal justice, or of the police of his district, he should state those grounds fully in a report to the session judge, who, on a consideration thereof, will determine on the propriety or otherwise of complying with the application, either in the former case, by transmitting, for the magistrate's perusal, transcripts of the depositions required by that officer, or by allowing an officer from his court to attend for the purpose of taking copies of the same.

TO THE SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 2d February, 1838.

No. 6.

Directing an alteration in statement No. 11, with a view to distinguish appeals connected with criminal trials from those which arise out of miscellaneous cases.

THE Court, considering it desirable to distinguish appeals connected with criminal trials from those which arise out of miscellaneous cases, direct me to request that you will cause to be erased the note appended to the form of statement No. 11, which was prescribed by their Circular of the 25th August last, so as to allow of the lithographic form being altered, for the purpose in view, in a manner corresponding with the form annexed.

2. The note in question is not to be omitted, but to be written at the foot of the statement in its altered form.

FORM.

Statement, &c.

1.	2.	3.	4.	5.	6.	7.	8.	9.	Explanations, &c.
	Appeals from the orders of the	Pending on the	Preferred or called for during the month.	Total.	Order confirmed.	Order modified or reversed.	Pending on the	Number of appeals pending beyond 3 months.	
Regular Trials,	Magistrate, ... Jt. Magistrate,								
	Total,...								
Miscellaneous Cases, ...	Magistrate, ... Jt. Magistrate,								
	Total,...								

N. B. The Session Judge will insert, &c.

TO THE SUPERINTENDENT OF POLICE, COMMISSIONERS, SESSION JUDGES, AND MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 2d February, 1838.

No. 7.

Orders on the subject of certain Circulars, issued in consequence of the re-establishment of the office of superintendent of police.

I AM directed by the Court to transmit to you, for your information and guidance, the annexed extract from their proceedings of this date.

Extract from the Proceedings of the Nizamut Adawlut, under date the 2d February, 1838.

With reference to Act XXIV. 1837, re-establishing the office of superintendent of police, the Court have had under consideration the several Circular Orders noted in the

No. 48, April 2d, 1808.
" 264, August 16th, 1822.
" 64, December 10th, 1830.
" 93, February 10th, 1832.
" 68, December 17th, 1830.
" 94, February 10th, 1832.
" 114, July 27th, 1832.
" 115, August 3d, 1832.
" 119, August 24th, 1832.
" 136, April 6th, 1833.
" 138, August 16th, 1833.
" 155, December 12th, 1834.
" 190, January 15th, 1836.

margin,* and having been in communication with Mr. F. C. Smith, the superintendent of police, on this subject, have been pleased to issue the following orders, which will be immediately carried into effect in every district over which the superintendent of police has jurisdiction.

1. Circular Order No. 48, April 2d, 1808. The session judges will now perform the duties described in this Circular.

2. Circular Order No. 264, August 16th, 1822. The superintendent of police will direct the magistrates to rescind, alter or modify any circular instructions connected with the police issued by those functionaries. The session judges will not interfere in any way with the exercise of this power.

3. The following Circular Orders are hereby rescinded, viz. No. 64, 10th December, 1830, No. 93, 10th February, 1832, No. 114, 27th July, 1832, No. 119, 24th August, 1832, No. 136, 6th April, 1833, No. 138, 16th August, 1833.

4. Circular Order, No. 68, December 17th, 1830, is hereby extended to the office of superintendent of police. In addition to the report to Government required by Clause 2, Section 14, Regulation XI. 1806, the magistrate will report to the superintendent of police and the session judge whenever he may find it necessary to call out the military.

5. Circular Order, No. 94, February 10th, 1832, is also rescinded. It being the desire of Government that the magistrates should be encouraged often to visit the interior of their districts, it is considered unnecessary that they should report* every instance of their performing or being about to perform so essential a part of their duty.

6. Circular Order, No. 115, 3d August, 1832, is hereby amended. The session judges will report direct to the Nizamut Adawlut whenever they may be prevented for the period of one month from holding a jail delivery of their respective districts.

7. The several duties assigned by the Circular Order, No. 155, 12th December, 1834 and Circular Order, No. 190, 15th January, 1836, to the commissioners of circuit will now be performed by the session judges. With regard to the statements connected with the police, the magistrates will be guided by the instructions they may receive from the superintendent.

* See C. O. No. 10, 1st June, 1838.

ORDERED,

That a copy of this resolution be sent to the superintendent of police, and to each session judge, magistrate, and joint magistrate in the Lower Provinces, with instructions to alter the Circular Order books accordingly. A copy will also be transmitted to the commissioners for their information.

TO THE COMMISSIONERS OF CIRCUIT AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, the 2d March, 1838.
Lower Provinces, the 23d March, 1838.

No. 8.

Transmitting copy of letter from officiating secretary to the Governor General, requesting it may be explained to the several judges, that during the Dusserah and Mohurrum vacations their court must never be closed for the despatch of criminal business, except on days stated.

I AM directed by the Court to transmit for your information and guidance the accompanying copy of a letter from the Officiating Secretary to the Right Hon'ble the Governor General to the Register of the Sudder Dewanny and Nizamut Adawlut of the Western Provinces under date the 20th ultimo, and to request that you will strictly attend to the orders therein contained.

2. The present instructions are of course to be considered as superseding the latter part of the Court's Circular Letter under date the 22d November, 1833, which declares that it shall not be necessary for the session judges to take up during the Mohurrum or Dusserah vacation any cases, which may have been committed for trial since the commencement of it.

Copy of a Letter from the Officiating Secretary to the Governor General, N. W. Provinces, to the Register of the Sudder Dewanny and Nizamut Adawlut of that Presidency, dated 20th February, 1838.

With reference to the correspondence noted in the margin,* copies of which are annexed for the information of the Court, I am directed by the Right Hon'ble the Governor General to request, that they will explain to the several judges subject to their authority, that during the Dusserah and Mohurrum vacations, their Court must never be closed for the despatch of criminal business, except on those days only, when a total cessation from all business is necessary and usual.

* Letter from judge of Mynpooree, dated 6th February, 1838.
Ditto to ditto ditto, dated 20th February, 1838.

2. The Court are accordingly authorized to issue a Circular Order, directing the observance of this as a standing rule in the several subordinate courts; and they are requested to see that it is carefully attended to on occasions like the one under notice.

TO THE SEVERAL CRIMINAL AUTHORITIES, N. W. PROVINCES.

Western Provinces, the 25th May, 1838.

No. 9.

It being held that Sections 5 and 7, Act XXIV. 1837, are in force in districts to which Act VII. 1835 has been extended, appeals from all orders of the magistrates, in judicial proceedings, including cases under Regulation XV. 1824, lie to the session judges. The periodical statements noted, and applications for the release of prisoners to be submitted to the Court through them.

* Statement Nos. 12, 21, 22, 23, and 24.

IT having been ruled by the Court, with the concurrence of the Court of Nizamut Adawlut at Calcutta, that Sections 5 and 7, Act XXIV. of 1837, are now in force in these provinces as regards those districts to which the provisions of Act VII. of 1835, have been extended, notwithstanding that a superintendent of police has not as yet been appointed to them, I am directed by the Court to observe, for your information and guidance, that, in conformity to the rule contained in the former of the two sections above quoted, the appeal from all orders passed by the magistrates of such districts in any judicial proceeding whatever, including cases under Regulation XV. of 1824, should, in future be made to the session judges and not to the commissioners of circuit, and that the periodical statements, noted in the margin,* which have heretofore been submitted to and by the latter officers, should from the date of this order, be forwarded to the session judges, who, after carefully revising them, will transmit the same to the Court. The appeal statement No. 11, which is now furnished by the commissioners of circuit, will, in like manner, be submitted by the session judges, and will be incorporated with Statement No. 10, in the manner laid down at page 158 of the Printed Circular Order Book, volume II.

2. I am further directed to observe that as under Section 7, Act XXIV. of 1837, the session judges of the zillahs, above referred to, have been invested with the same control and superintendence over the jails of their respective districts, as was formerly possessed and exercised by the commissioners of circuit, all applications, which the magistrates may have occasion to make for the release of prisoners, who, on account of bodily infirmities, or on any other ground, may be considered proper objects of mercy, and which have hitherto been forwarded through the commissioners, should be submitted for the consideration and orders of the Court through the session judges, in the form prescribed by the Circular Orders of the 6th January, 1837, *a copy of which is annexed for your information.*

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, the 1st June, 1838.

No. 10.

Magistrates to report to the superintendent of police, whenever they have occasion to proceed into the Mofussil.

WITH reference to paragraph 5 of the Court's resolutions of the 2d February, by which magistrates were exempted from the duty of reporting their visits to the interior of their districts, I am now directed, under instructions from the Government, to request that, whenever you have occasion to proceed into the Mofussil, you will report to the superintendent of police the date of your departure and that of your return to the Sudder station, as well as the cause of your departure.

TO THE SESSION JUDGES, THE COMMISSIONER OF THE 19TH DIVISION, AND THE GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH.

Lower Provinces, the 15th June, 1838.

No. 11.

The special session judge only to try commitments made by assistants to the general superintendent for the suppression of thuggee.

UNDER instructions from the Government, I am directed by the Court to request that you will abstain from trying any commitments made by the assistants to the general superintendent for the suppression of thuggee, who are stationed at Chupra, Moorshedabad, and Dacca, leaving such cases to be disposed of by the session judge specially appointed for the purpose.

TO THE COMMISSIONERS OF THE 11TH, 12TH, 14TH, 15TH, 16TH AND 18TH DIVISIONS.

Lower Provinces, the 22d June, 1838.

No. 12.

Requesting the commissioners of circuit mentioned, to transmit to the session judges the records of their late offices, and those of the late courts of circuit.

UNDER the sanction of the Government I am directed by the Court to request that you will transfer to the respective session judges in your division, the whole of the records of the late court of circuit and of your late office of commissioner of circuit, on their deputing persons to receive them from your record keeper.

TO THE SESSION JUDGES, EXCEPT CUTTACK.

Lower Provinces, the 22d June, 1838.

No. 13.

Intimating to the session judges the issue of the foregoing circular.

THE Court have this day instructed the late commissioner of circuit of your division to transfer to you, on your deputing a person for the purpose, such part of the criminal records in his possession as belongs to the district under your control. You are requested to take such precautions as may be necessary for the safe conveyance of the records to your office.

TO THE SESSION JUDGES AND MAGISTRATES AND JOINT MAGISTRATES, EXCEPT THOSE OF CUTTACK AND CHITTAGONG.

Lower Provinces, the 27th July, 1838.

No. 14.

Forwarding resolution passed by the Deputy Governor, declarative of the controlling authority of the session judges in regard to the employment of convicts.

I AM directed by the Court to transmit to you, for your information and guidance, the following resolution passed by the Hon'ble the Deputy Governor of Bengal, declarative of the controlling authority of the session judges in regard to the employment of convicts.

Resolution passed by the Hon'ble the Deputy Governor of Bengal, under date the 26th June, 1838.

The Deputy Governor considers the construction of the Calcutta Sudder Court to be right, that the controlling authority in regard to the employment of convicts is vested

by the declaration of Section 20, Regulaton XVII. 1816, in the session judges now exercising the powers of the late courts of circuit, and not in the superintendent of police.

TO THE SEVERAL COMMISSIONERS OF CIRCUIT, SESSION JUDGES AND MAGISTRATES OF THE DISTRICTS TO WHICH THE PROVISIONS OF ACTS VII. OF 1835 AND XXIV. OF 1837 HAVE BEEN EXTENDED.

Western Provinces, the 2d November, 1838.

No. 15.
Transmitting, with the sanction of the Governor General, a Resolution declaratory of the controlling authority of the session judges, under Acts VII. 1835 and XXIV. 1837, in regard to the employment of convicts; and directing those officers to give due consideration to the suggestions of the commissioners.

WITH the sanction of the Right Hon'ble the Governor General, the Court direct me to forward, for your information and guidance, the accompanying copy of a Resolution passed by the Hon'ble the Deputy Governor of Bengal, under date the 26th June last, declaratory of the controlling authority of the session judges, to whose districts the provisions of Act VII. of 1835 and XXIV. of 1837 have been extended, in regard to the employment of convicts sentenced to labor, and to request that you will consider the rule therein laid down, equally applicable to these provinces.

2. His Lordship has desired the Court to direct the session judges, in the exercise of the power in question, to communicate freely with the commissioners of their respective divisions, and to give all due consideration to the suggestions of those officers relative to the employment of the convicts, more especially on the roads in the interior of the several districts, *to which point your particular attention is requested.**

TO THE SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES, THE THUGGEE JOINT MAGISTRATES AND SESSION JUDGE, AND THE GENERAL SUPERINTENDENT OF OPERATIONS FOR THE SUPPRESSION OF THUGGEE.

Lower Provinces, the 7th September, 1838.

No. 16.
The depositions and confessions of thugs should be taken down in the language best understood by them, and the general superintendent furnished with Oordoo translations.

UNDER the sanction of Government I am directed by the Court to inform you, in modification of the instructions contained in the Circular Order No. 241, 11th August, 1837, (Vol. II. Baptist Mission Press Edition,) that the depositions and confessions of thugs should be taken down in the language best understood by them, and the general superintendent of operations for the suppression of thuggee furnished with translations in Oordoo of any documents, written in the Bengallee or other language, which he may require.

* The words in italics were omitted in the circular to the commissioners and magistrate.

TO THE SEVERAL SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 2d November, 1838.
Western Provinces, 14th July, 1837.

No. 17.

Report to be made to Government, whenever the session judges may be prevented from taking up a case, in consequence of their having made the commitment in their civil capacity, or from any other cause.

IN pursuance of instructions from the Hon'ble the Lieutenant Governor I am directed by the Court to request, that whenever you may be prevented from taking up a case, which may have occurred within your jurisdiction as session judge, in consequence of your having made the commitment as civil judge or magistrate, or from any other cause, you will immediately report the circumstance for the information and orders of the Hon'ble the Lieutenant Governor, through the secretary in the judicial department, with a view to his honor making such special provision for the trial of the case as he may deem proper. You will, at the same time, state to which of the neighbouring tribunals the case in question could be most conveniently referred, with advertence to the residence of the parties concerned.

2. The foregoing instructions are to be considered as superseding* the orders contained in paragraph 2 of the Court's Circular letter of the 29th May, 1835.†

* The orders in the paragraph referred to are superseded only so far as regards the *court*, by which commitments made by the civil judge are to be tried.

† A copy of the foregoing Circular was forwarded on the same date (Nov. 2nd) to the magistrates and joint magistrates in the Lower Provinces.

TO THE SEVERAL SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 2*d November*, 1838.
Western Provinces, 14*th July*, 1837.

No. 17.

Report to be made to Government, whenever the session judges may be prevented from taking up a case, in consequence of their having made the commitment in their civil capacity, or from any other cause.

IN pursuance of instructions from the Hon'ble the Lieutenant Governor I am directed by the Court to request, that whenever you may be prevented from taking up a case, which may have occurred within your jurisdiction as session judge, in consequence of your having made the commitment as civil judge or magistrate, or from any other cause, you will immediately report the circumstance for the information and orders of the Hon'ble the Lieutenant Governor, through the secretary in the judicial department, with a view to his honor making such special provision for the trial of the case as he may deem proper. You will, at the same time, state to which of the neighbouring tribunals the case in question could be most conveniently referred, with advertence to the residence of the parties concerned.

2. The foregoing instructions are to be considered as superseding* the orders contained in paragraph 2 of the Court's circular letter of the 29th May, 1835.†

TO THE SESSION JUDGES AND COMMISSIONER OF THE 19TH DIVISION.

Lower Provinces, } 18*th January*, 1839.
Western Provinces, }

No. 18.

Circulating a letter of the superintendent of police, Lower Provinces, with extract from a minute of Sir Thomas Munro, regarding confessions extorted by the police.

I AM directed by the Court to transmit to you, for your information, the accompanying copy of a circular which has been issued by the superintendent of police, Lower Provinces, to the magistrates within his jurisdiction.

* The orders in the paragraph referred to are superseded only so far as regards the *court*, by which commitments made by the civil judge are to be tried.

† A copy of the foregoing Circular was forwarded on the same date (Nov. 2nd) to the magistrates and joint magistrates in the Lower Provinces.

To the Magistrates in the Lower Provinces.

Sir,

I have found during my late tour a considerable difference of opinion in regard to extorted confessions, which some magistrates, and a few session judges, consider to be very common, and others disbelieve the charge altogether. As much evil to the people may be done by a systematic disbelief, as well as much injury to the police, by a too ready reliance on such accusations, I have the honor to send for your information an extract from a minute written by Sir Thomas Munro, when Governor of Madras, in which the subject is fully and admirably discussed in all its bearings.

I am, &c.

(Signed) F. C. SMITH,

Superintendent of Police, Lower Provinces.

Fort William,
Office of Supt. of Police, L. P.
The 14th December, 1838.

Extract from a Minute recorded by the late Sir Thomas Munro, Governor of Madras.

13. The Hon'ble Court have adverted at considerable length and with just severity upon the conduct of the native police officers in extorting confessions from prisoners; and they specify some very atrocious cases, among which are the murder of a man by a peon, in endeavouring to extort a confession, and the maiming a prisoner, by a potail, in torturing him for the same object. In both these cases however it is satisfactory to know that the offenders were convicted and punished, one capitally and the other with two years' imprisonment and hard labor. The judge who reports, fears that case of forced confession are too common, even among the officers of Government, but observes that the proof is difficult. When violence really takes place the proof cannot be difficult, but I believe that in a great proportion of the cases where it is charged none has been used. It is much more general in Malabar and Canara than in other zillahs, and the difference is probably owing to the people of Malabar and Canara, still retaining much of the turbulent and vindictive character which they acquired while divided into petty states, and little restrained by any regular authority from exercising acts of outrage on each other.

14. It is no doubt too certain that many irregularities are used in obtaining confessions, and that in some instances atrocious acts are committed; but when we consider the great number of prisoners apprehended, and the habits of the people themselves always accustomed to compulsion where there is suspicion, how difficult it is to eradicate such habits, and how small the proportion of cases in which violence has been used is to the

whole mass, the number of these acts is hardly greater than was to be expected, and is every day diminishing. The prohibition against forced confessions is known to all native police officers; and it seems extraordinary, that they should even employ force, for they know that they have much to lose, and nothing to gain by such conduct; but some of them in spite of every injunction to the contrary, when they believe that a prisoner is guilty, think it right to extort a confession. Police officers in general, however, will not gratuitously expose themselves to a loss of place, and their families to ruin by such conduct. Prisoners are sometimes hurt by attempting to escape, and notorious offenders are sometimes roughly treated by the villagers who assist in securing them, the marks thus caused are sometimes exhibited as evidence of extorted confession. Wherever there is proof of force having been used for such a purpose, the police officer should be invariably punished and dismissed from the service. But great caution is necessary in believing the accusation of force: it should always be very clearly established before it is entitled to credit. Police matters are so public that the charge of violence, when true, can hardly be concealed. There are two things in which there is constantly very great exaggeration, the number of persons concerned in a robbery, and the number of extorted confessions: only a small part of the alleged cases of extorted confessions are ever substantiated. The circuit court say that the proof is difficult. I believe that when true, the proof is easy, and that the difficulty lies in by far the greater part being unfounded. The charge is easily made, and the effects of its receiving belief from the court of circuit is so generally known, that offenders very frequently bring it forward in some stage of the trial. It is a point which demands the greatest possible circumspection on the part of the magistrate. If he lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice. If he punishes the police officer charged with this offence, in only a very few instances on false evidence, he will effectually deter the whole body from the zealous exercise of their duty, and let loose a host of robbers upon the community. No number of zillah courts would prevent the excesses complained of among the native police; were we to double the number, it would have no effect in restraining them. They can only be checked and effectually put down by the vigilance of the magistrates; by never letting them pass unpunished; by the police officers finding from experience, that they never could gain any thing from the use of force, but would certainly suffer disgrace and punishment; and by time working a change in their habits.

15. The irregularities committed by the police are now much more difficult of concealment, than when the office of zillah judge and magistrate were united in one person, confined to a fixed station; and though too many of the police officers are still frequently guilty of such irregularities, yet the conduct of the great body of them is highly useful and meritorious, and its effects are becoming every day more evident in the increasing tranquillity of the country, and the gradual diminution of organized bands of robbers. The amelioration, though occasionally retarded by the misconduct of local officers, continues to advance, and is gradually diminishing the number of crimes.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, 8th March, 1839.

No. 19.

Magistrates incompetent to compel a wife to return to her husband.

CONSIDERABLE difference of opinion and practice appearing to prevail as to the competency of a magistrate to interfere with a view to restore a wife to her husband, on the application of the latter, contrary to her wishes, I am directed to inform you that it has been ruled by both the Courts of Nizamut Adawlut, that the magistrates are invested with no such authority, and that applications of the above nature should be preferred in the civil court in the form of a regular suit.*

TO THE MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, } *8th March,* 1839.
Western Provinces, }

No. 20.

The persons of convicts under sentence of transportation or banishment, to be accurately described, and burkundazes enjoined to compare the descriptive rolls with the convicts when relieving guard at the different stations.

IT having been brought to the notice of the Court that the rule laid down in the circular order of the 10th April 1801, No. 25, which directs that an accurate description of the persons of all convicts, sentenced to transportation, shall be inserted in the lists, which are required, under the circular orders of the 3d August 1796, to accompany the prisoners, is not strictly attended to, and that considerable difficulty is frequently experienced, in consequence, in identifying such convicts, especially on the occasion of the relief of the guards at the different stations on their journey to Allipore, I am directed to call your particular attention to the rule above quoted, and to request your careful observance of it.

2. I am also directed to request, that you will take care, that the descriptive rolls, which should be written in both the Hindoostanee [or Bengalee in the Bengal districts] and Persian languages, as well as in English, are correctly drawn out, and that you will issue positive orders, that the guards on relieving each other carefully compare the same with the convicts.

3. The Court further direct, that you will consider the same rules applicable to prisoners, under sentence of banishment to other districts, either for life, or a term of years.

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* A similar circular was issued by the Nizamut Adawlut in the North Western Provinces, on the 20th January, 1837.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, }
Western Provinces, } *30th March,* 1839.

No. 21.

Instructions regarding register of warrants, certificates granted to prisoners, and endorsement of mitigated punishment on prisoners' warrants, designed to guard against the detention of convicts beyond the term of their sentence.

IN continuation of the Court's circular orders of the 15th May 1835, No. 167, prescribing a new form of register of warrants of criminal sentences, I am directed to request that whenever the sentence passed on a prisoner may be mitigated, the magistrate as well as sessions judge, where the original sentence may have been passed by the latter officer, will immediately cause the name of the prisoner to be struck out, in red ink, from the register of the year, in which such original sentence would have terminated, and entered in the register of the year in which the mitigated sentence will expire, inserting in column 7 of the former register a memorandum of such mitigated sentence. The magistrate will, at the same time recall the original certificate granted to the prisoner under the circular orders of the 14th May 1824, No. 292, and, on explaining to the prisoner the mitigated sentence passed upon him, will furnish him with a new certificate, specifying the period when the reduced term of imprisonment, awarded therein, will expire.

2. The Court further direct that when the mitigation or remission of punishment may have been ordered by the Court of Nizamut Adawlut, the endorsement on the prisoner's warrant of such mitigation or remission shall be made in the vernacular language of the district, as well as in English.

3. The object of the present circular being to prevent the possibility of any prisoner being detained in confinement beyond the period of his sentence, the Court will hold the heads of offices strictly responsible for the due observance of the same; and they direct me to add, that they will consider it their duty to take very serious notice of any want of proper attention to these rules which may come to their knowledge.

TO THE SESSION JUDGES, COMMISSIONERS 15TH AND 19TH DIVISIONS, GOVERNOR GENERAL'S AGENT, HAZAREEBAGH, COMMISSIONERS OF ASSAM, ARRACAN, AND TENASSERIM PROVINCES.

Lower Provinces, 5th April, }
Western Provinces, 6th May, } 1839.

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No. 22.

In referred trials, session judges to mention what punishment they consider adequate.

I AM directed by the Court to request that, in referring any trials for their final orders, you will specify the punishment which, in your opinion, would be adequate to the crime established against the prisoners.

+ Cancelled by S. No 153. In force [illegible] No 181 in force

TO THE MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 12*th April*, } 1839.
Western Provinces, 6*th May*, }

No. 23.

The term "Act" is used in Act II. 1839, in contradistinction to "Regulation."

WITH a view to prevent any misconception I am directed by the Court to inform you that the term "Act" used in Act II. of 1839, is employed in contradistinction to the Regulations, strictly so called, and that the provisions of that enactment are not intended to explain any thing contained in the Regulations on the subject of fines.*

TO THE SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 26*th April*, 1839.

No. 24.

Resolution of Government for granting rations to prisoners in lieu of a money allowance.

I AM directed by the Court to transmit to you, for your information and guidance, the accompanying copy of a resolution of the Governor of Bengal dated the 9th instant, on the subject of rations to prisoners, and to request that you will take the necessary measures for enforcing the orders of his Honor the Deputy Governor.

(Copy.)

Resolution of the Honorable the Deputy Governor of Bengal in the Judicial Department, under date the 9th April, 1839.

His Honor the Deputy Governor of Bengal had purposely avoided recording a resolution on the subject of rations to prisoners confined in the various jails under the Bengal presidency, until his Honor the President of the Council of India in Council should have passed orders upon the report of the Prison Discipline Committee.

2. The resolution of the Council upon that report being now before his Honor, and a letter from the secretary to the Supreme Government, dated the 7th of January last, having subsequently been received, shewing in what manner the subject had been disposed of by the right honorable the Governor General in the North Western Provinces, the Deputy Governor loses no time in recording his sentiments upon the subject.

3. It is gratifying to find that the proposed system has the support of the greater portion of the local authorities who were called upon for their opinions. From the returns to the circular of the 20th December 1836, it appears that whilst 48 officers are decidedly in favor of the new system, but 10 are found who object to it, and the objections of these 10 are not, in many instances, to the system itself, but generally to the difficulty which it is supposed will be felt in carrying it into execution.

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* A copy of the above letter was on the same date circulated to the session judges.

4. The system of rations is, and has for some considerable time been, universal in the Madras and Bombay presidencies; and from accounts just received, it appears to have been introduced into the Agra presidency also: the Committee of Prison Discipline have likewise given it their cordial support, and the Deputy Governor sees no reason therefore, why the same plan, the advantages of which are indisputable, should not be followed out in all the jails under the Bengal presidency.

5. It is proper therefore, in the first place, that some standard of quantity should be fixed for regulating the daily supply of food which is necessary for keeping prisoners in a healthy state; and, after a careful revision and examination of the returns which have been submitted, and recourse to other means of information, the Deputy Governor is pleased to determine that one seer of rice, (the seer being 80 sicca weight,) one seer and a half of wood, and one kucha of tobacco, be the standard of the quantity of food to be given daily to each convict in the jails under this Government.

6. In addition to this, one pice per week should, in the opinion of the Deputy Governor, be allowed to each man for shaving and washing. This allowance is granted to the prisoners in the jails of the North Western Provinces.

7. It is not intended by this resolution that the rations of prisoners should invariably be confined to the abovementioned quantity and quality; on the contrary, it is desirable, that a general discretion of considerable latitude should be accorded to the prisoners, to take in lieu of an entire seer of rice such quantity of any other of the usual condiments which may, *without increase of expense,** be procurable at any particular season, as they may see fit. "The contract system for providing the food at a fixed rate all the year round, should be had recourse to where it is found practicable. The contractor should engage to have a portion of the usual condiments always at hand, which the prisoners may take, at the bazar rate, or under local rules, instead of the whole or a portion of their allowance of rice; but due precaution must always be taken, that no money is carried into the jail. The inducing the prisoners to form themselves into messes, appointing one man to cook for them, with any arrangements for employing such man within the jail, and the like, are measures of local detail, which must be left to the discretion of the district authorities."

8. The magistrate of Sylhet appears to have taken considerable pains with this subject, and it may be well to quote in this place from a recent letter from that functionary, dated 7th February 1839.

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* The Circular Order No. 28, of the 23d August 1839, which will be found in a subsequent page, authorises the omission of the words in italics, and contains explanations of the orders conveyed by this resolution.

"At first two Brahmin and two Mussulman cooks were entertained to cook for the whole number of laboring convicts; but in consideration of the difficulty experienced in suiting the varying tastes of so many with such limited agency, (to have increased it would have been too expensive a measure,) I was induced to permit such convicts to divide themselves into gangs and to select for themselves a cook from each.

"At the same time in order to obviate inequality of punishment among this class of convicts, the cooks are formed into two working gangs, who return from labor only just so much earlier than their fellows as is absolutely necessary for the preparation of the food against the arrival of the latter. Thus, whereas the labor of these terminates at 5 P. M. daily, the cooking gangs are relieved from work at 3 P. M. and 4 P. M. respectively according to the number of the party for which the cooks of each gang have to prepare food. The several parties assigned to those cooks of the gang which returns at 3 P. M. comprise, on an average, 20 convicts; those of the 4 o'clock gang averaging only 10. That the duty of cooking is not, under this arrangement, considered to be any alleviation of the usual jail labor, is clear from there being no competition for the office, but the contrary."

9. It is not to be supposed that the new system will be introduced into the different jails under this presidency without considerable obstacles being opposed by the prisoners themselves. His Honor the Deputy Governor trusts, however, that the cordial support and co-operation which, it is expected, the local authorities will in all cases afford, will speedily put a stop to any resistance or discontent which may, in the first instance, shew itself.

Ordered:—That a copy of this resolution be communicated to the Court of Nizamut Adawlut for the information and guidance of the local authorities.

TO THE SESSION JUDGES AND COMMISSIONER OF 19TH DIVISION.

Lower Provinces, 10*th May*, } 1839.
Western Provinces, 7*th June*, }

No. 25.

The charge against the prisoner, taken *verbatim* from the roobakaree of commitment, to be written on the face of the futwa.

I AM desired to request that you will invariably note upon the copy of the futwa in each case, (submitted under the Circular Order No. 78, of the 4th February 1831,) the specific charge upon which the prisoner has been committed to take his trial. The charge should be taken from the magistrate's roobakaree of commitment, without any alteration, and written upon the face of the futwa in the same language as the original.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 31*st May*, 1839.

No. 26.

Rules for the introduction of the vernacular language, in lieu of the Persian, in the criminal courts of the North Western Provinces.

IT having been determined by Government to give practical effect throughout these provinces to the provisions of Act XXIX. of 1837, which authorise the introduction, in the conduct of public business,. of the vernacular language in lieu of Persian, I am commanded by the Court, in pursuance of the wishes of the Government on this head, to communicate to you the following instructions.

2. The Court direct that, from the 1st of July next, the use of Persian in all criminal proceedings, petitions, and writings of what kind soever be wholly discontinued, and the Hindoostanee be adopted in its stead. It is understood that in some zillahs such a change has already been completely effected, and that in others it has only taken partial effect. Should the Persian language still continue to be used in any proceedings in any department under your control, you will be pleased, from the above date, to abandon it, or direct its disuse, as the case may be, substituting or causing to be substituted for it the vernacular throughout.

3. With a view to facilitate the operation of this change, preserve uniformity, and diminish the amount of labor imposed on the establishments of the inferior courts, the Court are also pleased from the same period to dispense with the requirement of the Circular Order* issued on the 22d September 1837, which, in respect of criminal trials referrible to the Nizamut Adawlut, enjoined the transmission of Persian translations of any evidence recorded in the vernacular language, in a separate "nuthee."

4. In order, however, that the relinquishment of this practice may not produce difficulties and the necessity of making references to the local officer, in such cases before the Court as relate to districts wherein peculiar or corrupt dialects are in use, it will be the duty of the session judges to transmit all proceedings they may refer to, or send up on a call of the Court, written in a correct Oordoo style, and a fair and legible character; and further to require the magistrates, whenever uncommon words or obvious provincialisms may occur in a record of evidence, to cause the mohurrir at the time of taking it down to enter in the margin the corresponding or equivalent term in Persian.

5. It is the wish of the Government that care should be taken, especially at the commencement, to adopt a clear and idiomatic Hindoostanee style, and not merely to substitute a Hindoostanee for a Persian verb at the end of a sentence; but the predilection of most native ministerial officers for Persian, their ignorance of the vernacular as a written language, and their indisposition to any change involving new labors and duties, constitute so powerful a counteracting tendency as to call for all your vigilance to correct its influence.

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* No. 243 of Vol. II.

6. As the Government will expect to be informed of the degree of success which may be found to attend the adoption of the comprehensive measure now under trial, I am directed to express the Court's desire that you will furnish a report on the subject before the expiration of the year.

TO THE SESSION JUDGES AND COMMISSIONERS OF DELHI AND THE SAUGOR AND NERBUDDA TERRITORIES, IN THE NORTH WESTERN PROVINCES.

Western Provinces, 20th June, 1839.

No. 27.

Instructions as to the proper mode of filling up No. 3 of the monthly criminal statements.

IT having come to the notice of the Court that much difference of practice prevails in regard to filling up No. 3 of the monthly criminal statement furnished by the magistrate, the use and object of which appear also to be very imperfectly understood, I am directed to communicate, for your own information and for the information and guidance of the magistrate of your district, the following instructions.

2. The Court observe that the general explanatory heading prefixed to No. 3, sufficiently indicates what that statement is intended to exhibit, viz. the number of persons committed for trial at the sessions whose cases remained still undisposed of at the end of the month to which the statement relates. It will be obvious that the number thus exhibited must always correspond with the number entered in column 10 of the statement of jail delivery No. 13, furnished monthly by yourself to the Court.

3. I am desired to point out that the persons thus exhibited in No. 3, are distributed into two classes, viz. those who were committed in former months, and those who were committed in the month under notice. Of the latter no additional explanatory detail was wanted, as the number spoke for itself, but it was thought desirable to know to what "former months" the first heading referred, together with the number of cases and persons committed in each of those months respectively.

4. Accordingly paragraph 10 of Circular Orders, No. 201, dated 15th July 1836, requires that an explanatory note be affixed to statement No. 3, shewing the months in which the several prisoners entered under the first heading "committed in former months" were committed. It is hence manifest that the total number of persons inserted in this note must invariably agree with the number shewn in the first heading of "committed in former months." The number remaining under trial, who were committed in the month to which the statement refers, added to this amount, will give the total number required to be shown by No. 3, and by column 10, statement No. 13.

5. The marginal specimen will illustrate the above remarks, and denote the proper mode of preparing the statement No. 3, alluded to.

Persons committed for trial.	In Jail.	On Bail.	Total.	Note on the 1st Heading.	Cases.	Persons.
In former months,	3	0	3	Committed in March 1839.	1	2
In June 1839, ...	1	0	1	Committed in May 1839 ...	1	1
	4	0	4			3

6. The difference of practice and misapprehension which the Court desire to correct appear to prevail with regard to two especial points.

7. In the first place it seems to be wholly unnoticed by some officers that No. 3 purports to give an account of those persons solely whose cases, whether committed in that or in former months, remained still before the sessions court *undisposed of at the close of the month.* Several magistrates, however, are in the habit of entering *the total number under trial* at the sessions at any time during the month, (as shewn in column 6, No. 13,) notwithstanding that their cases may have been wholly or partially disposed of by the session judge in that period,—which is obviously at variance with the express purport of the statement, and of no use whatever as the information is supplied elsewhere.

8. As illustrative of this error, I have extracted, by the Court's order, two statements of recent receipt, taken at random, and find that No. 3 in each gives the following representation. In the first are inserted 17 persons with the distribution according to margin.* The second exhibits 14 persons, also distinguished agreeably to the period of commitment, as in the margin ;† and the inference from the heading would of course be that 17 and 14 individuals were still under trial before the sessions court at the close of May in the two districts respectively.

* Committed in former months, ... 9
In May 1839,... 8
17

† In former months, ... 11
In May 1839,... 3
14

9. But a reference to No. 13 of both zillahs shews, as regards the first, that while 17 persons were undoubtedly *under trial* at the sessions in the whole of May, the cases in which they were concerned were all variously* disposed of in that month, none whatever remaining under trial on the 1st June, and column 10 being, in consequence, blank; and as respects the second, that though 14 persons were similarly under trial in the month, there yet remained but four in that predicament on the 1st June, six having been convicted and sentenced, and four acquitted and released in the interval.

* 7 acquitted and discharged, 4 convicted and sentenced, 6 referred to Nizamut Adawlut.

10. The second point in which error prevails has reference to the explanatory note required by paragraph 10 of circular orders before quoted ; and adverting to the wording of that paragraph, it is evident that the heading* in the statement does not set forth with sufficient clearness or accuracy what is wanted.

* Detail of cases under trial at the close of the month.

11. It has been before said that the detail contained in this note only concerns the heading "in former months," such explanation for the month for which the statement is furnished being wholly supererogatory ; nevertheless some magistrates are in the habit of

making it apply to both headings, whereby the totals of column 2 of the detail, and of column 3 of the statement come to correspond, and this is not intended; others, while they omit, or only partially insert the mensal detail of the period preceding the month reported on, enter it as regards that month, and this is wrong.

12. The Court think that in framing this statement, (which was prepared by order of the Calcutta Court) it may have been intended to indicate by corresponding marks or letters that the "detail" required had exclusive reference to the first heading, without application to the second; and they are of opinion that the observance of this simple rule now would be a sufficient security against the recurrence of the error herein pointed out, and would ensure the adoption of a uniform practice in future.

13. You are requested to communicate a copy of this letter to the magistrate of the district under your control, and at the same time that you call his attention to the other points adverted to by the Court, to instruct him in preparing statement No. 3, in future, invariably to signify the mutual relation between the first heading and the note by some mark or letter in the manner designated in the margin of paragraph 5.

14. The Court expect that you will also be careful to revise the statements sent through you, with reference to the foregoing observations, returning for correction such as may shew a want of conformity therewith.

15. The statement received from you for the month of ——— accompanies this letter, with the requisite correction made in red ink in accordance with the above remarks.

TO THE SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 23d August, 1839.

No. 28.

Instructions regarding the standard of the daily allowance of food for convicts.

DOUBTS having arisen as to the construction of the Resolution of Government of the 9th April last, (circulated on the 26th idem,*) in regard to the standard of the daily allowance of a convict, I am directed to request your attention to the following explanatory instructions, which are issued for your information and guidance under the direction of the Government of Bengal.

1. The standard prescribed was intended to be strictly one of quantity, and you are accordingly requested to erase the words "without increase of expense" in the 7th paragraph of the copy of the resolutions forwarded to you. If it be established that in a given district a working prisoner of the agricultural class ought to have ordinarily so much of rice and so much of pulse, or so much of fish, and other additions, to keep him in health, it is obvious that he must be allowed this quantity, whether the price of rice

* See Circular Order No. 24 of this volume.

be high or low. The Government undertakes to keep convicts in health and fit for labor, and this must be done without any reference to the state of the markets; whether the cost be more or less, it must be paid and the object must be attained.

2. The magistrates are to give to the prisoners such rations as they may think fit and sufficient; consulting the inclinations and the habits of the prisoners as far as may be discreet, humane, and within the limits of a just economy, and bearing in mind the sound principle, that no prisoner should be allowed, when in jail, luxuries not usually accessible to persons of his class when out of jail, and not necessary to keep a working man in a state of health. As a general rule the *quantity* of food to be given is to be regulated by the standard set up, viz. one seer of rice; exclusive of an adequate allowance of firewood and of tobacco.

3. Solitary cooking is to be discouraged; if possible, prevented. Messes are to be encouraged, and formed if possible. For messes, cooks should be appointed, either from among the prisoners or otherwise, as may seem practicable and proper. It was expected that the magistrates, after determining upon the diet, would divide the prisoners into messes with their several cooks; that they would then proceed to fix the daily meal—on one day rice and dhall, on another rice and fish, on a third rice and vegetables, and so on, serving out the required quantities of each article of food at so much of each per man, (within the standard of quantity,) according to the number in each mess. This is precisely what is done on board ships, in barracks, in European prisons, and wherever else rations are given; and this is all that is now required to be done in the district jails of Bengal.

4. Money is not to be carried into the jail; for this reason, among others, that it "affords prisoners the daily enjoyment of marketing, which would be a great alleviation of the punishment of any class of men, but peculiarly agreeable to the Indian character. As this enjoyment has no good moral effect upon the prisoner, and tends to make the penalty of his crime less efficacious than it ought to be, the indulgence appears, in this view, an unmixed evil."* It would be to no purpose to prevent marketing with money, if it were allowed to market by barter.

* Report of the Prison Discipline Committee, page 31.

5. The prisoners should *not* be allowed to barter rice for condiments. As already explained, they will receive such daily rations, within the standard fixed upon, as the magistrate may determine. A prisoner who has this day received half a seer of rice and half a seer of fish may, on another day, if the magistrate think fit, receive half a seer of rice and half a seer of dhall; but he will not make this barter himself.

6. It only remains to observe that nothing in the resolution was intended to limit the quantity to one seer, if that quantity be found really inadequate: according to the information before the Government one seer seemed sufficient; but if it be otherwise, it will be the duty of the magistrates to lose no time in reporting the actual facts.

TO THE SEVERAL CRIMINAL AUTHORITIES, REGULATION PROVINCES.

Lower Provinces, 23d August,
Western Provinces, 6th December, } 1839.

No. 29.

Appeals from the orders of magistrates regarding the management of ferries, lie to the superintendent of police.

WITH a view to remove doubts which may exist on the subject, I am directed by the Court to acquaint you that it has been ruled by the Courts of Nizamut Adawlut, that the acts of the magistrate in the *management* of ferries are subject to the control of the superintendent of police, and that all appeals from orders in such matters shall be received and disposed of exclusively by that authority.

TO THE SEVERAL SESSION JUDGES, MAGISTRATES, AND JOINT MAGISTRATES IN THE NORTH WESTERN PROVINCES, AND COMMISSIONERS OF SAUGOR AND KUMAON.

Western Provinces, 27th September, 1839.

No. 30.

Communicating a letter from Government to the commissioner for the suppression of dacoitee, (with form of certificate,) on the subject of a conditional pardon to dacoit approvers.

I AM directed by the Court to transmit to you, for your information and guidance, the accompanying copy of a letter from the secretary to the right honorable the Governor General in the North Western Provinces to the address of Major Sleeman, commissioner for the suppression of dacoitie, dated 29th July last, and of the form of certificate therein alluded to, on the subject of a conditional offer of mercy, to the extent of exemption from the punishments of death and transportation beyond sea, to dacoit approvers.

No. 1889.

To MAJOR W. H. SLEEMAN, *Commissioner for the Suppression of Dacoity,*
MORADABAD.

SIR,

Judicial Dept. I am directed to acknowledge the receipt of your letters Nos. 348 and 364 dated the 8th and 11th instant, with their enclosures; and in reply to inform you that the right hon'ble the Governor General authorizes you to offer mercy, in the name of the Government, to any dacoit, from whom you may have reason to expect that useful information may be procured, on the conditions described in the form of certificate appended to your letter of 8th instant.

2. Copies of this correspondence will be sent to the Court of Nizamut Adawlut for information.

I have the honor to be, &c.

(Signed) F. CURRIE, *Secy. to the*
Right Hon'ble the Governor General in the N. W. Provinces.

SIMLA,
The 29th July, 1839.

Form of Certificate proposed for Dacoit Approvers.

You are promised exemption from the punishments of death and transportation beyond seas for all past offences, and such reasonable indulgences as your services may seem to merit and may be compatible with your safe custody, on condition, 1st, that you make a full confession of all the dacoities in which you have been engaged; 2nd, that you mention truly the names of all your associates in crime, and assist to the utmost in your power in their arrest and conviction. If you act contrary to these conditions; conceal any of the circumstances of the dacoities in which you have been engaged; screen any of your friends or relations; attempt to escape; or accuse any innocent persons; you shall be considered to have thereby forfeited all claim to such exemption and indulgence.

TO THE SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

Western Provinces, } 11*th October*, 1839.
Lower Provinces, }

No. 31.

Female prisoners not to be subject to irons except for special reasons.

AN instance having occurred in which a sentence of imprisonment awarded against a female convict included the imposition of fetters, I am directed to acquaint you that it has been ruled by the Court that the subjection of female prisoners to irons being, for obvious reasons, improper, shall not in future be had recourse to, excepting in cases where some special necessity may exist for their use, as a precautionary measure, such as by way of security to prevent escape.

2. You will be pleased carefully to act on this rule in future.

TO THE SESSION JUDGES, MAGISTRATES, AND JOINT MAGISTRATES.

Lower Provinces, } 18*th October*, 1839.
Western Provinces, }

No. 32.

Authorising the correction of an error in the Persian translation of Reg. IX. 1807.

I AM directed to annex, for your information and guidance, the extract of a letter from the judge of Futtehpore, bringing to the notice of the Nizamut Adawlut in the North Western Provinces, an error in the Persian translation of a portion of Section 19, Regulation IX. of 1807, consisting of the insertion of the redundant words وغیرہ (oghyrah) which, in order to correspond with the English sentence, ought to be omitted.

2. You are requested to cause the above superfluous words to be expunged from all the Persian copies of the Regulation in question in use in your office.

Extract (paragraph 3) of a Letter from the Session Judge of Futtehpore, to the address of the Officiating Register to the Court of Nizamut Adawlut, North Western Provinces, dated 25th June, 1839, No. 13.

Para. 3. In the Persian version of Section 19, Regulation IX. of 1807, from the expression در مقدمات دزدي وغيره (dur mooquddumat i doozdee oghyrah) it appears that the punishment of stripes might be awarded in other cases besides those of theft, while, in the corresponding English sentence, corporal punishment is confined to the crime of theft alone. By striking out the words "oghyrah," the translation will be correct.

TO THE MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 1st November, 1839.

No. 33.

Peons not to exact tullubana when entrusted with perwannahs addressed to landholders on police or other matters.

IT having been represented to the Government, that the peons who are entrusted with perwannahs addressed to landholders or their officers, for assistance to be rendered to the police on emergencies, or for other purposes, are in the habit of exacting tullubana from the parties, I am directed by the Court of Nizamut Adawlut to request that you will take immediate measures for the discontinuance of the abuse, should it have prevailed within your jurisdiction.

TO THE MAGISTRATES AND JOINT MAGISTRATES, AND TO THE PRINCIPAL ASSISTANTS OF HAZAREEBAGH, ASSAM, ARRACAN, AND TENASSERIM.

Western Provinces,
Lower Provinces, } *16th November*, 1839.

No. 34.

Instructions regarding the course to be followed when Europeans are committed by magistrates in the Mofussil to take their trial before the Supreme Court.

IN pursuance of instructions received from the Government, I am directed by the Court to transmit, for your information and guidance, the accompanying copy of papers regarding the course to be followed in cases, where Europeans in the mofussil are charged with offences for which they will be tried in the Supreme Court, and to request your careful observance of the rule therein prescribed.

Copies.

No. 2191 of 1839.

Judicial Department.

To the Officiating Secretary to the Government of India.

SIR,

With reference to your letter, dated the 7th of January last, No. 7, I am directed by the honorable the Governor in Council to transmit, for the information of the honorable the President in Council, copies of a letter from the acting

advocate general, dated the 12th ultimo, and of a circular this day issued to all the magistrates under this presidency, directing them, in all cases where Europeans in the districts are charged with offences for which they will be tried in the Supreme Court, to forward the depositions to the Honorable Company's solicitor, in order that they may be advised of the evidence which should be brought forward in such cases.

I have the honor to be, &c.

(Signed) L. R. REID,
Acting Chief Secretary to Government.

BOMBAY CASTLE,
22*d August*, 1839.

No. 38 of 1839.

From the Acting Advocate General, dated 12th July, 1839.

SIR,

I have the honour to report to Government the result of cases tried at the present Criminal Sessions in the Supreme Court, in which Government prosecuted.

2. The first was that of Michael Dunn, a private in the 4th Dragoons, who was indicted for stabbing a Borah named Akapa, with intent to murder, or to maim, disfigure, or disable him. The prosecutor deposed that he was hawking goods near the quarters of the prisoner, when the latter beckoned to him, stating that he had some copper to sell. The prisoner then asked the Borah what money he had with him, and the Borah replied three rupees in pice, upon which the prisoner said he did not like his wife to see him selling the copper, but that if the Borah would walk on, he, the prisoner, would follow; the prisoner then took the Borah to the edge of the river at Kirkee, and waited for a very long time pretending that he expected another soldier of the 3d troop. After remaining there upwards of two hours the Borah said he would go, upon which the prisoner told him to stay, saying he would look for the soldier. The prisoner, after being absent about half an hour, suddenly returned and without saying a word stabbed the prosecutor over the hip about 2½ inches in depth. The prisoner made no attempt to rob him, and, on the Borah crying out, ran off. This story seemed very improbable, and could scarcely in its details be true. Still however the fact remained that the Borah had been severely wounded by some one. The Borah made the best of his way to the sergeant major, and complained that he had been stabbed by a soldier whose name he did not know. The sergeant major sent another sergeant with the Borah, who said he could point out the man's bungalow. The Borah then took the sergeant to the bungalow of the prisoner, and pointed him out as the person who had wounded him. These facts occurring whilst the wound was still fresh and smarting, and when, therefore, every reason existed for believing the Borah would point out the really guilty party, were

proved by other parties. The case was further confirmed by a native woman in the service of the prisoner, who deposed that her master came home on that day about one o'clock in great heat and confusion, and instantly took off his shoes and hat and desired this woman to hide them. The prisoner called witnesses to his character, who gave him a very bad character. After retiring for some hours, the jury returned a verdict of "not guilty."

3. I am unwilling to pass over this case without drawing the attention of Government to the want of care that exists in the local investigation of offences committed by Europeans in the districts. Amongst the witnesses sent down on the present occasion were three women, one of them the prisoner's wife, who by law cannot be a witness to criminate her husband, and the other two to depose not to any thing within their own knowledge connected with the offence but to what they had been told by the prisoner's wife, and which, it is plain, could not be evidence that the facts so told were in themselves true.

4. The present season rendered it the more hard upon these persons (one had an infant in arms) that they should have been sent here from Kirkee to prove that they had seen nothing but had been told a great many things. In addition to which Government have to reimburse them their expenses, a very trifling sum no doubt.

5. The main cause of its so often happening, when Europeans are committed in the districts for trial in Bombay, that persons who can give no personal testimony are yet compelled to travel down as witnesses, arises, as far as my experience goes, from the magistrates making no distinction between hearsay and original evidence. Witnesses in the Supreme Court are allowed to speak to what they know only, and not to what they have been told by others; for many persons are told what is very untrue, and whilst on the one hand the communication has not been made on oath, on the other the Court has no opportunity of ascertaining what were the informant's means of knowledge.

6. I wish to be considered as casting no blame on Mr. Rudd, the magistrate, in this instance. He was investigating an offence under an act of parliament, and technical rules of evidence he can scarcely be expected to know.

7. But to avoid such things for the future, I take the liberty of suggesting that in all cases where Europeans in the districts are charged with offences for which they will be tried in the Supreme Court, the magistrate taking the depositions should be directed to forward them, if time will admit of it, to the Hon'ble Company's solicitor, who will at once be able to inform the magistrate what persons should be sent to Bombay, and whether the evidence collected is sufficient or not, and, if not, what further enquiries, and in what quarters, should be made.

8. The next case was that of Lewis Cribbs and Joseph Newton. who were charged by three indictments, with obtaining goods from different persons on false pretences. On the first indictment Cribbs was proved to be a common swindler and was found guilty: Newton produced witnesses to character, and the evidence not being strong as to him, he was acquitted. On the second case Cribbs pleaded guilty, and though there was great reason to believe that Newton had been concerned in cheating, yet the witnesses failed in proving him guilty of the specific offence laid in the indictment, and he was, therefore, acquitted a second time. Feeling that I should experience the same difficulty in the third case in fixing Newton with being a party to the false pretences, I did not think it desirable to proceed further. Cribbs was sentenced to transportation for seven years.

I have the honor to be, &c.

(Signed) WM. HOWARD,

Acting Advocate General.

ADVOCATE GENERAL'S OFFICE,
Bombay, 12th July, 1839.

CIRCULAR.

No. 2186 of 1839. *Judicial Department.*

To all the Magistrates.

In transmitting, for your information and guidance, the accompanying copy of an extract, paragraphs 1 to 7, of a letter from the acting advocate general, dated 12th ultimo, I am directed by the honorable the Governor in Council, in calling your particular attention to the suggestions contained in paragraphs 3 to 7, inclusive, to request that hereafter in all cases where Europeans in the districts are charged with offences for which they will be tried in the Supreme Court, you will, if time will admit of it, forward the depositions to the Hon'ble Company's solicitor, in order that you may receive the advice and suggestions of that officer on the evidence which is to be adduced at the trial.

I have the honor to be, &c.

(Signed) L. R. REID, *Acting Chief Secretary.*

BOMBAY CASTLE,
The 22d August, 1839.

TO THE SESSION JUDGES AND COMMISSIONERS OF CIRCUIT, WESTERN PROVINCES, AND THE COMMISSIONERS OF THE 16TH AND 19TH DIVISIONS, AND SESSION JUDGES OF CHITTAGONG AND CUTTACK, IN THE LOWER PROVINCES.

Western Provinces,
Lower Provinces, *22d November*, 1839.

No. 35.

The orders of magistrates dismissing persons from their

DOUBTS having been entertained in respect to what is the proper constituted tribunal of appeal for parties seeking redress from orders of magistrates dismissing them from their situations, such orders not being part of the sentence passed in any criminal trial,

situations,—such orders not being part of a sentence passed in any criminal trial —appealable to the commissioners.

and considerable diversity of practice having obtained in consequence, appeals of the nature described, having in some districts been considered cognizable by the commissioner and in others by the session judge, I am directed to acquaint you that it has been ruled by the Government, upon a reference from the Court, that such appeals cannot be heard by the session judge, but lie, under the law, to the commissioner.

2. You will be pleased to regulate your future proceedings accordingly.

TO THE SESSION JUDGES AND COMMISSIONER OF THE 19TH DIVISION.

Lower Provinces, 22*d November*, 1839.

Western Provinces, 10*th January*, 1840.

No. 36. †

Copy of the roobakaree of commitment to be forwarded with the sessions statements, whenever a commitment is declared to have been made on insufficient grounds

† Amended by C. O. N. etc. No 57 - Lot 3

WITH reference to the Circular Order No. 168, of the 22d May 1835, I am directed to request that whenever you have occasion to record an opinion in the statement of persons acquitted, of the commitment not having been made on sufficient grounds, you will forward a copy of the magistrate's roobakaree of commitment with the usual sessions statements.

FINIS.

Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, }
Western Provinces, } *6th January*, 1840.

No. 37.

The terms to be employed in all criminal proceedings, in rendering the words "affray" and "riot."

I AM directed to communicate, for your information and guidance, the following rule established by the Court, fixing the proper corresponding phrase in the native language to express the English word "affray."

2. The Court observe that the translations of the Regulations of Government constitute no certain guide in the matter, great diversity of phraseology appearing to prevail in rendering the word in the various Regulations wherein it is used. With reference, however, to the most general acceptation, it appears to the Court that an affray in which both sides are in fault and liable to punishment for breach of the peace, is most generally expressed by the term "khanahjungee," and they remark that it is so rendered (indifferently with "hungamah purdazee") in the preamble of Regulation II. of 1823, which regards "affrays concerning land and arising from other causes." The term "hungamah" the Court consider rather to express a riot or tumultuous assembly, where one side alone is presumed to be offensive.

3. As the establishment of some fixed authoritative phraseology for general use and observance is conducive both to uniformity and the equitable administration of criminal justice, the Court are pleased to direct that for the future the word "affray" in all criminal proceedings shall be rendered "khanahjungee,"* and the term "hungamah"† be restricted to indicate a riot or tumultuous assembly.

* In Bengalee "danga hangama."
† The same in Bengalee.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, }
Western Provinces, } *28th January*, 1840.

No. 38.

Prescribing the mode of proceeding to be followed by an officer in charge of the current duties of a session judge's office, on receipt of an application for staying execution of any order of a magistrate against which an appeal has been lodged.

I AM directed to communicate to you the following rule established by the Court, prescribing the mode of proceeding to be followed by an officer in charge of the current duties of a session judge's office, on receipt of an application for staying execution of any order of a magistrate against which an appeal has been lodged.

2. On receipt of a petition of the nature described, the officer holding temporary charge of the session judge's office should immediately transmit a copy thereof, with a proceeding, to the magistrate's court, in order that that officer, being made acquainted with

the purport of any application for staying execution of the order appealed against, which the petition of appeal may contain, may have the opportunity of exercising his discretion in regard to the suspension of such order, either with or without taking security, until the appeal can be brought to a hearing before the session judge.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, 31*st January*, } 1840.
Western Provinces, 27*th March*, }

No. 39.

The orders of a magistrate for the realization of ferry balances are not appealable to the session judge.

I AM directed by the Court, under instructions from the Government, to intimate to you, that it is not competent to a session judge to receive an appeal from the orders of a magistrate for the realization of ferry balances.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Western Provinces, 20*th March*, } 1840.*
Lower Provinces, 3*d April*, }

No. 40.

Instructions relative to the filling up of the monthly criminal statement No. 5, in regard to the record of the death of any prisoner who may have been sentenced to undergo imprisonment in one zillah, but subsequently transferred under any contingency to another.

WITH reference to the Circular, dated 19th July last, calling for information on the practice observed in filling up the monthly criminal statement No. 5, in regard to the record of the death of any prisoner or prisoners who may have been sentenced to undergo imprisonment in one zillah, but subsequently transferred for working on the roads, or under any other contingency, to another, the Court have now had under consideration the replies received thereto, and, with a view to the attainment of uniformity and the avoidance of confusion and error, are pleased to establish the following rule.

2. It has been found that no regular principle of entry prevails in respect to such casualties, the magistrates of some districts accounting in their own statements for deaths of prisoners detached from their own to other zillahs; the larger proportion, however, pursuing what the Court consider to be the correct method, of only entering, in

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* The Western Court's Circular (addressed exclusively to the magistrate) which is given above, was circulated, with a separate letter, among all the criminal authorities in the Lower Provinces, for their information and guidance.

their monthly return casualties among convicts (whether of their own or other districts) who may be under their actual custody or charge, leaving the deaths happening among their own prisoners sent to other districts to be entered and accounted for in the statements of such districts; while some officers appear to include in the statements both deaths in their own jurisdiction among convicts from other districts, and deaths in other jurisdictions among convicts from their own, a method of entry of necessity erroneous, and calculated to induce confusion, and represent the same casualties twice over.

3. The Court have been pleased to resolve, that in future each magistrate shall only account for and include in his monthly statement such casualties as may occur among prisoners (whether of his own or other districts) *under his actual custody or charge;* that prisoners in progress to other districts, for work on the roads or for other reasons, be borne on the statements of the districts whence they are sent, with the addition of a note to that effect, until notification of their having reached their destination be received there, when they will be struck off and appear in the statement of the district to which they may have been detached; that a similar rule apply to such prisoners returning from detached duty; that on this principle deaths happening among convicts in transit, either going or returning, be accounted for in the returns of the districts they are leaving; and that in respect both in casualties in transit and after arrival, the magistrate to whose district the prisoners may be sent, on obtaining information thereof, invariably forward the warrant, sent with the individuals so deceasing, to the magistrate from whose district they came, enclosed with a certificate of death under his official seal and signature.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, 27th March,
Western Provinces, 24th April, } 1840.

No. 41.

Directing the session judges to state their opinion whether prisoners, whom they would propose to sentence to imprisonment for life, should be confined in the Allipore jail or transported.

I AM directed to request that, in referring trials in which imprisonment for life be recommended, you will invariably state your opinion, whether such imprisonment should be undergone in transportation or in the Allipore jail, with your reasons for proposing whichever of the two may be suggested by you.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES.*

Lower Provinces, 27*th March*, } 1840.
Western Provinces, 1*st May*, }

No. 42.

In cases of murder or wounding, when the evidence of the civil surgeon may be necessary, his evidence in the magistrate's court should be taken on oath.

IT appearing to be a general practice in cases of murder, or wounding endangering life, when the body or wound may have been inspected by the civil surgeon, to submit the result of his examination to the magistrate in the form of a written report, I am directed to inform you that in such cases, when a commitment to the sessions court may be probable, the deposition of the surgeon should be taken in the magistrate's court, on oath, as such deposition, duly attested and proved in the manner prescribed by paragraphs 6 and 7 of the Circular Order, No. 54, dated 16th July 1830, would be available as evidence on trial, in the event of the unavoidable absence of the surgeon.

2. I am directed to add that you should not resort to the measure of taking the deposition of the medical officer in the manner above stated, except in cases when his evidence on trial shall be manifestly necessary.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 3*d April*, } 1840.
Western Provinces, 1*st May*, }

No. 43.

The words "Act IV. of 1840." to be substituted for "Regulation XV. of 1824," in the heading of the monthly statement No. 6.

I AM directed to request that you will alter the heading of your monthly statement No. 6, by the substitution of the words "Act IV. of 1840" for "Regulation XV. of 1824."

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 3*d April*, 1840.

No. 44.

Forwarding translations in Bengalee and Urdu of the form of declaration prescribed by Act V. of 1840, with instruc-

WITH reference to the provisions of Act V. of 1840, I am directed to transmit to you the subjoined translations, in Bengalee and Urdu, of the affirmation enjoined to be

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* A copy of this Circular was communicated to the session judges on the same date.

taken by all Hindoo and Mahomedan deponents, and to request that you will make use of them until further instructions, in regard to the carrying out of the provisions of the Act, shall be forwarded to you.

tions for bringing the provisions of that law into operation.

2. In the event of its being necessary to use the Bengalee form for Mahomedans, the term used to designate the Supreme Being, by persons of that persuasion, will of course be substituted for that which now appears in the translation.

3. It is not required that the deponent should sign his name to any written affirmation, but he should merely read it out in court, or the declaration should be read out to him and repeated by him before giving his deposition, and at the heading of his written deposition it should be stated that he was sworn according to the provisions of Act V. of 1840.

4. Until general publicity has been given to the Act, the provisions of Section 2 should be clearly explained to persons giving evidence in your court.

مٹیں اِیمان سے خدا ے تعالیٰ کے حضور مٹیں اِقرار کرتا ہون کہ اِس مقدمہ مٹیں مٹیں سچ کہونگا بالکل جوٗ جانتا ہون سچ کہونگا اوٗر سیوا ے سچ کے کچھہ نہین

مٹیں دھرم سے پرمیشر کے حضور مٹیں اِقرار کرتا ہون کہ اِس مقدمہ مٹیں مٹیں سچ کہونگا بالکل جوٗ جانتا ہون سچ کہونگا اوٗر سیوا ے سچ کے کچھہ نہین

আমি পরমেশ্বর কে প্রত্যক্ষ জানিয়া ধর্ম্মতঃ প্রতিজ্ঞা করিতেছি যে এক্ষনে জাহা কহিব তাহা সত্য ও সম্পূর্ণ সত্য হইবেক এবং সত্য ভিন্ন হইবেক না ইতি।

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces,
Western Provinces, } 22*d April*, 1840.

No. 45.

Calling for a report of the number of

FROM want of information in respect to the extent of accommodation in the several jails for persons sentenced to imprisonment for life, as well as to the degree in which such

wards in the jails of the several districts appropriable to the confinement of persons under sentence of imprisonment for life.

accommodation is available, it has repeatedly occurred that persons so sentenced in banishment have been ordered to be sent to jails having no spare wards adapted to the custody of convicts of that description. I am accordingly directed to request that you will immediately report the number of wards in the jail of your district appropriable to the confinement of persons under sentence of perpetual imprisonment, and the number of such prisoners at present occupying the same.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, } 1*st May*, 1840.
Western Provinces, }

No. 46.

Authorizing on alteration in the Circular Order, No. 35, 31st May, (Western Court, 20th September,) 1839, regarding glazed doors and windows.

WITH reference to the Circular, No. 35, dated the 31st May [Western Provinces, 20th September] last, I am directed to say that the concluding injunction of paragraph 3 of the Circular of the Military Board, dated 14th May, annexed thereto, (as quoted in the margin,*) having been found open to objection, the Court are pleased to resolve that it be omitted, and you are accordingly requested to erase the words referred to, and consider them as cancelled.

* "Such persons should be allowed to depart without making good the damage done."

2. As regards the mode of dealing with individuals placed in the predicament contemplated by that paragraph, the Court think it sufficient to leave the matter to the sense and discretion of the officer at the head of the department.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces, 8th May, } 1840.
Western Provinces, 20th February, }

No. 47.

Prescribing the addition of a note to statement No. 21, col. 11, shewing the distribution and exact location of prisoners in jail.

MUCH confusion having been caused and trouble experienced from the absence, in the half-yearly statements of the criminal prisoners confined in the jails (No. 21,) of precise information shewing the distribution and exact location of the prisoners entered in column 11, (total of all descriptions in jail,) and such information being especially necessary when the number exhibited in that column purports to be in excess of column 12, (which gives the number the jail is capable of holding,) and being, moreover, required by the Circular Order of the Nizamut Adawlut, No. 114, dated 25th June 1812, which prescribes, that "when the total number of prisoners may exceed the number which the jail is capable of holding, the magistrates shall state in what place the surplus number is confined, and whether it be desirable to remove any and what number to the

jail of another station;" I am directed to acquaint you that the Court have been pleased to resolve that in future each magistrate shall supply the above particulars in the shape of a note on column 11, statement No. 21, and in the form annexed hereunto.

2. The blank space on the right side of the sheet No. 21, appears to present the most fitting place for recording the required note; and the Court request that you will instruct the magistrate accordingly; but should that space be occupied, it can be recorded on a slip of paper attached to the foot of No. 21.

	Number and location of prisoners sleeping outside jail on ——			
	Stations.	Number of prisoners.	Distance in miles from jail.	Work on which employed and other remarks.
Number of prisoners actually sleeping in jail on ——	At			
	At			
	At			
Males,.....	At			
Females,.....	*In hospital			
Total.....	Total			

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Court, 15*th May*, 1840.

No. 48.

With reference to Act V. of 1840, transmitting, with instructions how to administer the same, an Urdu translation of

WITH reference to the provisions of Act V. of 1840, I am directed to transmit to you the subjoined translation, in Urdu, of the affirmation thereby enjoined to be taken

* This information to be furnished when the hospital is not a component of the capacity represented in column 12, statement No. 21.

the affirmation enjoined to be taken by all Hindoo and Mahomedan deponents.

by all Hindoo and Mahomedan deponents, and to request that you will make use of the same until further instructions, in regard to carrying out the provisions of the enactment, shall be forwarded to you.

2. You will of course understand that the terms of the Act referred to, are imperative in prescribing the future exclusive use of the form of affirmation contained in it, and entirely supersede the administration of oaths on the Koran, or Ganges' water, or any other symbol heretofore in use. The services, therefore, of the Gunga Jullees and Moollah Kooranees of the several establishments, appear to be no longer required.

3. It is not required that the deponent should sign his name to any written affirmation; he should merely read it out in court, or, if unable to read, the affirmation should be read out to him, two or three words at a time, by the presiding authority or by one of his head ministerial officers, and repeated by the deponent before giving his deposition, at the head of which it should be stated that he was sworn according to the provisions of Act V. of 1840.

4. Until general publicity shall have been given to the Act, the provisions of Section 2 should be clearly explained to persons giving evidence in your court.

5. The translation is of course liable to be modified or superseded upon receipt of the authoritative version made by the Government translator.

(For Mussulmans.)

مٹین ایمان سے خدائے تعالیٰ کے حضور مٹین اِقرار کرتا ہون کہ اِس مقدمہ مٹین
مٹین سچ کہونگا بالکل جو جانتا ہون سچ کہونگا اور سیوائے سچ کے کچھہ نہین

(For Hindoos.)

مٹین پرمیشر کے حضور مٹین اِقرار کرتا ہون کہ اِس مقدمہ مٹین مٹین سچ
کہونگا بالکل جو جانتا ہون سچ کہونگا اور سیوائے سچ کے کچھہ نہین

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT IN THE LOWER PROVINCES.

Lower Provinces, 29th May, 1840.

No. 49.

Calling attention to the 3d paragraph of the Circular Order, No. 234, 9th June 1837, which requires Session Judges to ascertain the cause of persons charged with bailable offence being detained in custody.

THE Court have remarked a very general inattention to the rule (paragraph 3 of the Circular Order, No. 234, dated 9th June 1837,) which requires session judges, whenever a person charged with a bailable offence is detained by a magistrate under examination in custody, to ascertain the cause of such detention and note the same in the statement No. I. As much trouble and loss of time are entailed on the Court in calling for explanations, I am desired to draw your particular attention to the rule abovementioned, and to request that you return to the magistrates any statement, in which the required information is not recorded, and submit it to the Court only when the omission has been supplied.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT IN THE LOWER PROVINCES.

Lower Provinces, 5th June, 1840.

No. 50.

Directing that copies of futwas, roobacarees, &c. forwarded with the sessions statements, be written on paper of English manufacture.

I AM directed to request that copies of futwas and verdicts of assessors, or copies of the magistrate's roobakarees of commitments, forwarded with your monthly sessions statements, be written in future upon foolscap paper of English manufacture.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 5th June, 1840.

No. 51.

Transmitting copy of a circular of the Sudder Board of Revenue, regarding the security to be required from officers appointed to the charge of both magistrate's and collector's treasuries.

I AM directed by the Court to transmit to you, for your information, copy of a Circular issued by the Sudder Board of Revenue to the subordinate revenue authorities, regarding the securities to be required from officers who may be appointed to the charge of both foujdaree and collector's treasuries.

Circular of the Presidency Sudder Board of Revenue to the Commissioners of Revenue, under date the 29th April, 1840.

IN conformity with orders of Government, in the Judicial Department, under date the 14th instant, No. 660, I am directed by the Sudder Board of Revenue to intimate, for the guidance of the collectors and independent deputy collectors of your division,

that in all future cases of the appointment of the treasurer of a collectorate, who may also be required to take charge of the foujdary treasury, it will be incumbent on the collector to insert in the security bond a clause rendering the sureties responsible for any abuse of trust by the treasurer in the foujdarry department.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 12*th June*, } 1840.
Western Provinces, 31*st July*, }

No. 52.

Communicating instructions regarding the mode of proceeding in the magistrate's court on the receipt of reports from the police officers of neglect of police duties by landholders.

IT having been represented to Government, that landholders and their agents are frequently subjected to considerable hardships by the arbitrary infliction of a fine, in cases wherein the darogah or other police authorities may think proper to report to magistrates their (the zemindars') neglect of police duties, I am directed to request your attention to the following instructions regarding the mode of proceeding on receiving such reports.

2. On receiving a report of alleged neglect of police duties on the part of any landholder, you will not require his personal attendance at your court, before calling upon him to furnish, within a week or ten days, a written explanation of the charge brought against him. Should the explanation be unsatisfactory, or should none be afforded within the time, you will require him to appear before you on an appointed day, in person or by mooktear, to answer the charge. On his obeying the summons you will be careful to enter immediately upon the enquiry; avoiding all delay by summoning the witnesses in support of the charge to appear on the appointed day, and by directing the accused to produce at the same time any witnesses whose evidence he may desire to offer in his own defence.

3. The offence being one of a bailable nature, the accused or his agent should not be placed in custody when required to attend the investigation into the charges.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES.*

Lower Provinces, } 12*th June*, 1840.
Western Provinces, }

No. 53.

Rule regarding the power of magistrates to dispose of certain descriptions of cases of assault and affray attended with wounding, instead of committing them to the sessions.

I AM directed to communicate, for your information and future guidance, the following rule regarding your power of disposing of certain descriptions of cases of assault and affray attended with wounding, instead of committing them to the sessions court.

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* A copy of this Circular was forwarded to the session judges and commissioners of circuit on the same day.

2. You will not in future consider the mere circumstance of a bone-fracture to take a case of assault out of your cognizance, it being left to you to determine, with reference to the extent of the injury, and other considerations of a similar nature, what cases of this description should be disposed of by yourself and what made over for trial to the sessions court.

3. It will not be competent to the latter authority to cancel a commitment made by you under this discretionary power, merely on the ground of the session judge differing from you in regard to the tribunal before which the case should be brought, and by which consequently the amount of punishment is to be regulated.

4. In supersession of the Constructions quoted in the margin,* by which cases of affray attended with wounding, if the wounds have been inflicted by a sword, have been ruled to be beyond the competence of a magistrate finally to dispose of, it is hereby declared that henceforward you are empowered, in such cases, to commit or punish, as you may judge most expedient, without regard to the instrument of offence, and with reference solely to the nature and extent of the injuries inflicted by the aggressors.

* Nos. 623 and 628, printed Construction Book, vol. II. pages 3 and 7.

TO THE SEVERAL CRIMINAL AUTHORITIES.

Lower Provinces, 12*th June*, } 1840.
Western Provinces, 24*th July*, }

No. 54.

Rule regarding the application of the provisions of Section 2, Act IV. 1840, to cases of distraint and seizure by landholders of the lands of their tenants.

WITH reference to a question which has been submitted to the Court whether, in cases where a party retains possession of land leased out to him by the zemindar, notwithstanding the expiry of the lease, the magistrate is precluded, by the terms of Section 2, Act IV. 1840, from putting the zemindar in possession, but must refer him to a regular civil suit for his remedy, I am directed by the Court to inform you that such cases, wherein the landholder has a right of distraint or seizure under the existing Regulations, will be governed by Section 10 of the Act; and that on the right of distraint or seizure being pleaded, it will be incumbent on the magistrate to dispose of that plea, before entering on the question of previous possession with a view to the decision of that single point.

2. The principle of the Act, you are requested to observe, does not differ from that of the existing Regulations. The same principle will consequently govern the decision in cases of the description alluded to, as would have governed them had the Act never been passed; and the zemindar will be maintained now as previously to the passing of the Act, in the exercise of his just and legal rights, with this difference that the decision now rests with criminal, instead of as formerly with the civil authorities.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces, 12*th June*, } 1840.
Western Provinces, 24*th July*, }

No. 55.

Communicating instructions regarding the description of cases referrible to the Nizamut Adawlut, under the provisions of Clause 1, Section 4, Regulation VI. 1832.

I AM directed by the Court to communicate to you the following instructions regarding the particular description of cases of which, when tried in the mode contemplated by Clause 1, Section 4, Regulation VI. of 1832, that is, with the aid of a punchayet, assessors, or jury, but without the opinion of a Mahomedan law officer, would be referrible under that clause to the Nizamut Adawlut for final disposal.

2. The Court observe that the condition of reference to the Court set forth in the proviso of the clause cited, viz. the crime of which the prisoner is convicted being one which the judge is not specially empowered by the Regulations to punish, must be held to relate to the nature of the crime, and, since whatever is defined or *specified* in the Regulations to be a crime is specially punishable by the criminal courts, the session judge is therefore specifically empowered to punish such offences when brought before him in due course of law.

3. The real object of the legislature in enacting Section 4, of the Regulation in question, appears to the Court to have been to declare the incompetency of the sessions court, unassisted by a Mahomedan law officer, to declare that to be a crime which is not so declared by the Regulations. The law professedly administered is the Mahomedan law, amended and modified by the Regulations. Where the amendments are applicable, there can be no difficulty in deposing of trials; but in the contrary event, an exposition of the Mahomedan law is necessary to pronounce whether the act of the prisoner is punishable or otherwise. The session judge sitting with assessors has not the benefit of such exposition, and hence the necessity and propriety of a reference to the Nizamut Adawlut.

TO THE SESSION JUDGES AND COMMISSIONERS OF CIRCUIT IN THE LOWER PROVINCES.

Lower Provinces, 10*th July*, 1840.

No. 56.

Dispensing with the memorandum on the back of the usual letter, submitting the monthly sessions statements.

I AM desired by the Court to inform you, that they dispense with the memorandum on the back of the usual letter, submitting the monthly sessions statements, prescribed by the Circular Order, No. 203, of the 16th September, 1836.

2. You are requested to note under the head of remarks, in your monthly statement, No. 12, the total number of sessions cases disposed of by you during the month.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces, 24th July,
Western Provinces, 14th August, } 1840.

No. 57.

Directing that the Circular Order No. 36 of the 22d November 1839, regarding the transmission of copies of the roobakarees of commitment in certain cases be restricted to cases, in which the commitment may be considered injudicious.

FINDING that much of the time of the amlah of the sessions courts is occupied in preparing copies of roobakarees of commitment, which the Circular Order No. 36, of the 22d November, 1839, requires to be sent in all cases in which the commitment may be declared to have been made on insufficient grounds, the Court direct me to request that you will consider the order to be henceforth restricted to cases in which the proceedings of the magistrate, in making the commitment, may appear to you to merit the particular notice of the Nizamut Adawlut.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 31st July, 1840.

No. 58.

Communicating rule regarding the process by which the evidence of a witness is obtainable in a district, other than that in which he may be confined.

I AM directed to communicate to you the following rule, regarding the process by which the evidence of a prisoner is obtainable in a district other than that in which he may be confined.

2. It has been determined that whenever the evidence of a prisoner under such circumstances may be indispensable, the court requiring it shall request the magistrate of the district in which the prisoner may be confined to send him to such court, informing the Nizamut Adawlut of the step thus taken; and it will be competent to a magistrate, on such emergent requisition, to forward the prisoner to the court requiring his presence, for the purpose stated, reporting at the same time, for the information of the Nizamut Adawlut, his compliance with the requisition, and eventually the prisoner's return to his jail.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 7th }
Western Provinces, 28th } *August*, 1840.

No. 59.

Communicating instructions on the subject of subsistence to indigent prosecutors and witnesses.

IT appearing from the several replies received from the magistrates and joint magistrates of the Lower Provinces to the Court's Circular of the 1st November last, that the provisions of Section 3, Regulation III. 1812, have not in all instances been properly attended to, I am directed by the Court to request that you will, in future, strictly conform to the rules laid down in that regulation; and that you will be careful to ascertain that indigent witnesses are, in all occasions, supported either by the prosecutor or by the state, during the time of their detention from their homes, whether the case be pending before the session judge or otherwise.

2. The Court request your particular attention to the speedy disposal of all criminal charges, so that the witnesses may be detained for as short a period as is practicable at the sudder station; and you are requested to intimate to all your covenanted and uncovenanted assistants, the expectation of the Court that no unnecessary delay will take place in their courts.

3. The Court have observed with much satisfaction, that the alleged confinement of witnesses by the nazirs in what is termed the *hajut* guard, is altogether unfounded; and they confidently rely on your zeal and activity to prevent any abuses on the part of the subordinate native officers, and to punish the same when brought to your notice and proved to be true.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 7th }
Western Provinces, 28th } *August*, 1840.

No. 60.

Circulating an extract from a despatch of the Hon'ble the Court of Directors, relative to the imposition of heavy fines upon native servants of Government drawing small allowances.

I AM directed by the Court to transmit to you, for your information, an extract from a despatch from the Honorable the Court of Directors, relative to the imposition of heavy fines upon native servants of Government drawing small allowances.

Extract from a Despatch from the Honorable the Court of Directors, under date the 11th February, 1840.

" We have on former occasions expressed our strong objection to the imposition of heavy fines upon native servants, as involving them in pecuniary difficulty, and inducing

them to resort to improper practices for the purpose of indemnification. It appears to us that the preferable course is, when an officer refuses to do that which his official duty requires of him, to transfer at once the office to a more obedient holder."

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 14th August, 1840.

No. 61.

Circulating form of engagement in Urdu and Bengalee, to be taken from parties who undertake the safe custody of insane persons.

I AM directed by the Court to transmit to you a form of engagement, in Urdu and Bengalee, to be taken from parties who undertake the safe custody of persons who have committed crimes in a state of mental derangement.

میں زمیدار اور نمبردار موضع
پرگنہ ضلع کے ہون
چون دیوانگي کے حالت میں قتل کروانے کے
سبب سے صدر نظامت کے حاکمون کے تجویز سے قید تھا اور اب
بموجب میري إستدعاء کے جو صاحب رپوٹ کے ذریعہ
سے بھیجا گیا تھا حکام مفخرالیہم کے حکم سے میري ضمانت پر رہائي
پائي إس لئے إقرار کرتا ہون اور لکھہ دیتا ہون کہ اگر
سے دیوانگي کے حالت میں کوئي حرکت ایسي ظاہر ہو کہ جس سے
کسیکو یا کسیکے جایداد کو کچھہ ضرر پہنچے تو میں اور میرے وارث
دو سو روپیہ بطور جرمانہ کے صاحب مجسترت کے خزانہ میں داخل
کرینگے اور جس وقت مجھے یا میرے وارث کو إس ضمانت سے اپنے برأت
منظور ہوگي تو ہمکو إختیار حاصل ہے کہ مذکور کو

صاحب مجسترت کے سپرد کر کے اپنے برأت کروالیں ورنہ یہي وثیقہ ضمانت برقرار رہیگا اور زمیداري جسکي تفصیل نیچے لکھي ہے مکفول رہیگي فقط

تفصیل

لکھے ہوئے تاریخ مہینہ سنہ

লিখিতং শ্রী জমিদার ও নম্বরদার মৌজে

পরগনে জিলা জামিননামা পত্রমিদং কার্য্যন

ঞ্চাগে উনমাদ সময়ে কাটিয়াফেলিবার জন্য সদর নেজামতের হাকিমানদিগের তজবিজে কয়েদ ছিল আর এইক্ষনে আমার প্রার্থনামতে জাহার রিপোট দ্বারায় পাঠান গিয়াছিল উক্ত হাকিমানদিগের হুকুমানুসারে আমার জমানতিতে খালাস পাইল অতএব একরার করিতেছি আর লিখিয়াদিতেছি জদ্যপি মজকুর হইতে উনমত্তভাবে কোন কর্ম্ম যে যাহাতে কেহোকে এবং কাহার জায়দাদের কোন নকসান পোঁছে তবে আমী এবং আমার ওয়ারিস দুই সত টাকা জরিমানা সাহেব মাজিষ্ট্রেটের খাজানাতে দাখিল করিবো ও যে সময় আমাকে কিম্বা আমার উত্তরাধিকারিকে এই জামিনি হইতে মুক্ত হওয়া প্রয়জন হইবেক তখন আমাকে ক্ষমতা আছে যে উক্ত মাজিষ্ট্রেট সাহেবের নিকট অর্পণ করিয়া মুক্ত হইবো নতুবা এই জামিনি বাহাল থাকিবেক আর জমিদারী যাহার তপশীল নীচে লেখা আছে বন্ধক থাকিবেক ইতি।

তপ্‌শীল।

সন তারিখ

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces,
Western Provinces, } *4th September*, 1840.

No. 62.

Prescribing form of sentence and engagement of security for adoption in cases of persons convicted of having committed any penal act while in a state of insanity.

IT being considered desirable to prescribe a uniform mode of sentence for adoption in cases of persons convicted of having committed any penal act while in a state of insanity, I am directed to annex, for your information and guidance, a form of sentence, which you are requested to observe on the occasions referred to, together with a form of engagement of security, copy of which, with the translations accompanying,* you will be pleased to furnish to the magistrate under your control, for use as occasion may require.

2. I am at the same time desired to call your particular attention, and to request that you will direct that of the magistrate to the Circular Order of the Nizamut Adawlut, No. 307, dated 11th February 1825, and especially paragraphs 4 and 5 thereof, as indicating the proper mode of proceeding in such cases.

FORM OF SENTENCE.

The Court (of Nizamut Adawlut or Sessions, as may be) finds that the said A. B. committed the said act while laboring under insanity, and, acquitting him of the charge, directs that he be kept in safe custody in some suitable place of confinement until his relations or friends shall furnish security to the amount of Company's Rupees ———— to take proper care of the said A. B. and to prevent the said A. B. from committing any act injurious to the person or property of any one, and until the Court (of Nizamut Adawlut or Sessions) may be satisfied that the said A. B. may be delivered over to his relations or friends without danger to the community.

FORM OF ENGAGEMENT.

Whereas the Court (of Nizamut Adawlut or Sessions, as the case may be) did by their warrant under date the —— of ———— 184—, order and direct that A. B. convicted of having committed the act of ———— while in a state of insanity, should be kept in safe custody until his relations or friends should furnish security to the amount of Company's Rupees ———— to take proper care of the said A. B. and further bind themselves to prevent the said A. B. from committing any act injurious to the person or property of any one, and further until the said Court (of Nizamut Adawlut or Sessions) should be satisfied that the said A. B., might be delivered over to his relations or friends without danger to the said community: we the undersigned, C. D. of ———— and E. F. of ———— do hereby engage and bind ourselves and heirs in the sum of Company's

* Annexed to the foregoing Circular.

Rupees ———— to take proper care of the said A. B. and to prevent the said A. B. from committing any act injurious to the person or property of any one; in default whereof we do hereby acknowledge ourselves and heirs to have forfeited to Government the sum of Company's Rupees ————, and for the non-fulfilment of this our engagement, the aforesaid sum shall be levied from us and our heirs, and from our property, agreeably to Section 4, Regulation VI. 1818. Provided, however, that it be optional to us or our heirs, to obtain a release from this engagement, on making over the person of the said A. B. to the magistrate, whenever we may so desire. For the performance of the above conditions we pledge the undermentioned property. Dated

in presence of

The property pledged in this deed belongs to the sureties and is worth —— —— Rupees.

L. S. ———— Nazir of the Court.

TO THE MAGISTRATES AND INDEPENDANT JOINT MAGISTRATES IN THE NORTH WESTERN PROVINCES, AND TO THE ASSISTANTS OF SAUGOR AND KUMAON.*

Western Provinces, the 18th September, 1840.

No. 63.

Recommendations touching the emoluments of the subordinate medical officers, to be submitted through the regular channel, to the Medical Board direct.

IT having been found necessary to throw all questions regarding the pay and remuneration of the subordinate medical officers of the Government into the hands of the Medical Board in Calcutta, I am directed by the Court, under instructions from the Honorable the Lieutenant Governor, to intimate to you that, in future, any recommendations you may have occasion to make touching the emoluments of that class of officers, should be submitted, through the regular channel, to the Medical Board direct.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces,
Western Provinces, } 18*th September*, 1840.

No. 64.

With reference to the Circular No. 291, of 7th May 1824, intimating that those cases only are referrible to the Nizamut

I AM directed to acquaint you that it has been recently ruled by a majority of the Courts of Nizamut Adawlut that the Circular Order No. 291, dated 7th May 1824, is only applicable to the crime of administering *poisonous* drugs to persons, with a view to

* Copies of this Circular were sent to the session judges on the same date.

robbing them when in a state of insensibility, and does not include the offence of administering drugs or substances, of a merely intoxicating character and not of a nature to endanger life, for the purpose recited, and that, consequently, those cases only are referrible to the Nizamut Adawlut in which the prisoners are accused and convicted of having administered *poisonous* drugs.

Adawlut in which the prisoner is accused and convicted of having administered poisonous drugs.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 16th October, 1840.

No. 65.

I AM directed by the Court to transmit to you, for your information and guidance, the accompanying extract from the proceedings of the Right Honorable the Governor of Bengal, under date the 8th ultimo, regarding the purchase of tents for the use of magistrates.

Circulating resolution of Government regarding the purchase of tents for the use of magistrates.

No. 1472.

Extract from the Proceedings of the Right Honorable the Governor of Bengal in the Judicial Department, under date the 8th September, 1840.

Read the proceedings of the 6th February last, in this department, Nos. 9 to 21, on the subject of tentage allowance to civil functionaries while absent from their stations on duty.

Read also a letter from the magistrate of Nuddea,* soliciting permission to purchase a tent for his mofussil tours at a cost of Company's Rupees 650.

* No. 275 of the 16th July last,

The Right Honorable the Governor of Bengal observes that a sum of Company's Rupees 650 was allowed every eight years† on account purchase of a double poled tent for the use of each district magistrate and collector when those offices used to be vested in the same individual, but that, on the separation of the offices, the tents remained in most instances attached to the office of the collector.

RESOLUTION.

† Vide Government Orders of the 18th November 1829.

It appears to his Lordship necessary however that both magistrates and collectors should be provided with office accommodation while on duty in the interior of their districts; and with this impression the Governor will, as occasion may be shewn, have no objection to sanction the purchase of single poled tents at an expense of Company's Rupees 350 each, for the use of magistrates, and also when new ones may be required or the use of collectors.

Order.

Ordered, that a copy of this Resolution be transmitted to the Superintendent of Police, Lower Provinces, and to the Revenue Department, for the purpose of communication to the Sudder Board of Revenue.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 16th August,
Western Provinces, 5th November, } 1840.

No. 66.

Communicating the opinion of the Hon'ble the Court of Directors on the subject of natives employed in, and trained to the duties of, one department of the public service, being transferred to another.

I AM directed by the Court to transmit to you, for your information and guidance, the accompanying extract from the proceedings of the Right Honorable the Governor General in Council, in the military department, under date the 9th instant, regarding the entertainment in one department of the public service of persons holding employ in another.

No. 276.

Extract from the Proceedings of the Right Hon'ble the Governor General of India in Council, in the Military Department, under date the 9th September, 1840.

Extract from a Military Letter from the Hon'ble the Court of Directors, No. 33, dated 10th June, 1840.

14. As it is of much importance that natives who have been trained to the duties of an office, more especially to duties of a scientific nature, such as those performed by Radanath Seikdar, should not be encited to quit their stations with a view to their own advantage in another branch of Government employ, we fully approve of the intimation given by you to the Revenue Board that it was wrong for one department of the state to bid against another for the services of competent officers. We are of opinion that all departments should be apprised that they must not only invite, but must positively refuse to entertain an application for employment from any native who is, at the time of making the application, in the public employ of a Government office or department, unless they shall have previously received the full acquiescence of the head of such office or department.

Secret and Political Department.
Judicial Department.

Ordered, that the preceding Extract of the Honorable Court's letter, be transmitted to the several departments mentioned in the margin, for information, and for such com-

munication to the heads of offices and other authorities in correspondence with those departments respectively, as may appear to be necessary.

Revenue Department.
General Department.
Legislative Department.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 16*th October*, 1840.
Western Provinces, 4*th January*, 1841.

No. 67.

English stationery not to be charged for in contingent bills, but to be obtained by indent from the Government stores.

I AM directed by the Court, under instructions from the Government, to inform you that English stationery of any kind is not to be charged for in your contingent bills, as such articles are to be obtained by indent from the Government stores under the control of the Military Board.

TO THE SEVERAL CIVIL AND SESSION JUDGES.

Lower Provinces, 30*th October*, 1840.

No. 68.

Representations addressed to the Government by the uncovenanted judges or other officers relating to their services, to be forwarded by themselves through the public post.

UNDER instructions from the Right Honorable the Governor of Bengal, I am directed to request that you will abstain from forwarding to Government, representations from the uncovenanted judges, or officers attached to your court, relating to their services, it being the wish of His Lordship, that all persons desirous of bringing their claims prominently to the notice of Government, should do so themselves by the public post.

2. You will not of course consider this order as rescinding the Circular Orders No. 215 of the 29th September 1837, and No. of the 6th March 1840.

3. You will be pleased to furnish the magistrate and joint magistrate of your district with a copy of this letter.

TO THE SEVERAL CRIMINAL AUTHORITIES AND TO THE CIVIL SURGEONS OF THE DISTRICTS IN WHICH NATIVE INSANE HOSPITALS ARE ESTABLISHED.

Lower Provinces, 30*th October*, 1840.
Western Provinces, 1*st March*, 1841.

No. 69.

Circulating copies of Rules for the management and control of Native Insane Hospitals.

I AM directed to transmit, for the use of your office, a copy of the Rules for management and control of Native Insane Hospitals.

TO THE SEVERAL SESSION JUDGES.

Lower Provinces,
Western Provinces, } *30th October*, 1840.

No. 70.

Superseding Construction No. 1125, and intimating that conviction of the offence of aiding and abetting in a Suttee includes liability to labor.

THE Construction No. 1125, dated 22d January 1838, ruling that a session judge cannot award labor in addition to imprisonment in cases of conviction under Clause 2, Section 4, Regulation XVII. of 1829, having been re-considered by the Calcutta and Allahabad Courts, it has been determined by a majority of the Judges of both Courts that, as the crime of aiding and abetting in a Suttee is expressly declared by law* to be culpable homicide, conviction of which latter offence includes liability to labor, the same penalty is awardable in the former case also; and Construction No. 1125, is, accordingly, hereby superseded.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS OF CIRCUIT.

Lower Provinces,
Western Provinces, } *13th November*, 1840.

No. 71.

Prescribing amendment of columns 2 and 5 of the statement of postponed trials No. 3.

THE Court are pleased to prescribe the amendment shewn below of the statement of postponed trials, No. 3, with reference to the Circular Order, No. 234½, dated 23d June 1837, and to enjoin its adoption henceforward by the session judges, and the alteration of the statement accordingly.

2. The object is to exhibit the intermediate transactions between the "date of commitment" (present column 2) and the "date of the receipt of proceedings in sessions court" (column 5) contemplated by the Circular alluded to, and to fix with exactness the period from which the responsibility of the magistrate ceases, and that of the session judge begins.

3. Though, therefore, the Circular No. 208, dated 16th December 1836, which prescribes the introduction of this form of statement, lays down that a case is to be considered pending before the sessions court from the date of commitment, of which the magistrate is bound to give immediate notice to the session judge, it may not in all instances be in the power of the latter officer to proceed with the trial forthwith, and it is more equitable to hold him accountable for a case from the date on which the parties

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* Clause 2, Section 4, Regulation XVII 1829.

may reach his court, whether such date be that fixed by him or one posterior, in which latter event the column of Remarks should, of course, contain an explanation of the delay on the part of the magistrate.

Column 2.	Column 5.
Date of commitment to the sessions and date proposed by magistrate for attendance of parties.	Date fixed by session judge for attendance of parties, and date of arrival in his court of proceedings and parties.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Court, 13th November, 1840.

No. 72.

Enjoining the observance of Circular No 20, dated 2d July 1830. requiring each letter addressed to the Court to be accompanied by an abstract of its contents.

THE Court deem it requisite to call the attention of the several authorities* under their control to the purport of the Circular No. 20, dated 2d July 1830, and to enjoin the observance, henceforward, of the rule laid down therein, requiring each letter addressed to the Court to be accompanied by an abstract of its contents, which appears to have fallen into disuse, but which the receipt, in several late instances, of letters and reports of "unnecessary expansion" has forced on them the necessity of maintaining, on the grounds noticed by the Honorable the Court of Directors in the extract of their despatch appended to the Circular.

* Commissioners, Civil and Sessions Judges Magistrates.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 20th November, 1840.

No. 73.

Calling for returns of the principal ministerial officers attached to the courts of the civil and session judges.

I AM directed by the Court to request that you will forward a return, drawn up agreeably to the annexed form, of the names of the serishtadar, paishkar and nazir at present attached to your court, with as little delay as may be practicable, and to intimate to you the desire of the Court that you will hereafter report, for their information, the removal or resignation of those officers, within ten days after the same may have taken place.

2. You will also be pleased to report to the Court the names of any individuals who may be hereafter nominated to these offices, agreeably to the same form, and within the same period after the nomination may have occurred.

RETURN of the names of Serishtadar, Paishkar, and Nazir of the District of F.

Name of the officer.	Appointment held by him.	When nominated and by whom.	Age.	Number of years in the public service.	Schedule of the landed property possessed by him.	General remarks as to qualifications, &c.
A. B.....	Serishtadar, ...	In 1825, by Mr. C. D.,..	45	23	One Talook at a Jummah of 350 Rs. in Zillah E.	
	Paishkar.					
	Nazir.					

TO THE SEVERAL SESSION JUDGES IN THE NORTH WESTERN PROVINCES AND TO THE COMMISSIONERS OF SAUGOR AND KUMAON.

Western Provinces, 11*th December*, 1840.

No. 74.

Construction of kutcha buildings authorized, whenever there may be really more prisoners requiring lodgment in a jail than it can accommodate; but such expedient when had recourse to, to be reported.

UNDER instructions from Government, the Court intimate to the session judges that, whenever there may be such a real excess of prisoners requiring lodgment in any jail above the number for which such jail affords convenient accommodation, as to render the measure necessary, they are at liberty to authorize the construction of kutcha buildings for the safe custody of the surplus prisoners, but those only, whose terms of imprisonment may not exceed six months, should be confined in such temporary buildings.

2. The session judges are requested to report every occasion of their finding a recourse to such extra accommodation necessary.

TO THE MAGISTRATES AND INDEPENDANT JOINT MAGISTRATES IN THE NORTH WESTERN PROVINCES AND PRINCIPAL ASSISTANTS OF SAUGOR AND KUMAON.

Western Provinces, 11*th December*, 1840.

No. 75.

Magistrates to communicate with executive officers, for the purpose of determining the number of prisoners their jails are capable of holding.

IN reference to recent enquiries regarding the number of prisoners which the jails in the North Western Provinces are capable of accommodating, and the variations of estimate apparently therefrom, the Military Board had been requested by Government to call on the several executive officers, after carefully ascertaining, in communication with the magistrates, what places are ordinarily assigned for the safe custody of prisoners, to determine how many prisoners they are calculated to hold, when the number so determined will be adopted by magistrates in their future returns.

2. The magistrates are accordingly requested to put themselves in correspondence with the executive officers, for the purpose of carrying into effect the above object in the most complete and satisfactory way.

TO THE SEVERAL CIVIL AND SESSIONS JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 18th December, 1840.

No. 76.

With reference to the provisions of Act XXIII. of 1840, communicating instructions regarding the mode of obtaining the evidence of witnesses residing in Calcutta.

THE Right Honorable the Governor of Bengal has lately forwarded to the Court two original letters from the chief magistrate of Calcutta, regarding certain irregular requisitions made by the mofussil authorities to that officer, for the purpose of obtaining the evidence of witnesses, residing in Calcutta, in causes that appear to have been pending in the Company's courts.

2. Section 4, Act XXIII. of 1840, indicates the manner in which subpœnas issued by the mofussil authorities, may now be executed within the local limits of Her Majesty's Courts; and you are therefore directed to refrain from sending any requisitions to the chief magistrate of Calcutta, in any civil or criminal proceedings, for the purpose of obtaining the evidence of witnesses residing in Calcutta.

3. The Court request that you will be careful that every subpœna, writ, warrant, or other process, required to be endorsed under the authority of this Act, be drawn up in strict conformity with the Regulations of Government, in order that the same may not be remitted to you for amendment.

4. You will furnish the magistrate with a copy of this letter, and you will communicate the contents to the principal sudder ameen and sudder ameen of your district.

TO THE SEVERAL SESSION JUDGES IN THE LOWER PROVINCES, THE COMMISSIONER OF THE 19TH DIVISION, AND THE SPECIAL SESSION JUDGE FOR THE TRIAL OF THUGS.

Lower Provinces, 26th December, 1840.

No. 77.

Directing that the applications of law officers for leave of absence be forwarded to the Court.

I AM directed by the Court, in pursuance of instructions from the Government, to request that you will forward to them any applications which may be made in future by the law officers of your district, for leave of absence from their duties, with your own opinion as to the propriety of compliance with the same.

TO THE SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 26th December, 1840.

No. 78.

Recommending to the consideration of officers in charge of jails, a suggestion of the Medical Board for grinding within the jail the otta used by prisoners.

I AM directed by the Court to transmit to you the following extract of an address from the Medical Board to the Government of the North Western Provinces, the subject of which appears deserving the consideration of the officers in charge of jails, not only in the Behar districts where *Otta* is the common food, but also in those districts in which any considerable number of the natives of the Upper Provinces may be in confinement.

Extract (paragraphs 2 and 3) of a letter from the Members of the Medical Board to the address of the Hon'ble the Lieutenant Governor, North Western Provinces, dated 26th September,* 1840, No. 408.

Para. 2. With reference to that part of the Resolution where it is observed "that the prisoners are peculiarly exposed to the sordid and unprincipled imposition of the contractor and jail establishment," we beg to state, that we most fully concur; and in no respect perhaps is the evil in question more to be apprehended than in the facility the contractor at present has of supplying inferior and adulterated *Otta.* To obviate this, we would suggest that all the wheat in future should be purchased by some trustworthy person, to be selected by the magistrate, and ground in the jail by the prisoners themselves, which plan would also have the advantage of affording suitable employment for the debilitated either from old age or disease.

3. This measure we have already recommended for general operation in jails.

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* This extract was circulated by the Western Court among the session judges in the North Western provinces and the commissioners of Saugor and Kumaoon, with directions that they would take the subject to which it refers into consideration "in connection with the fifth point on which they were required to report by the Circular Order No. 1984, dated 25th September." See paragraphs 5 and 6 of the C. O. No. 69, *infra.*

TO THE SEVERAL COMMISSIONERS, SESSION JUDGES AND MAGISTRATES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 23d January, 1841.

No. 79.

Remarks on the attention to be paid to the proportion between acquittals and convictions in the foujdaree courts, and on the mode of calculating the duration of cases where uncontro'lable circumstances intervene.

THE Court circulate, for general information, an extract (paragraphs 3 and 4) from their report to Government on the administration of criminal justice for the year 1839, containing the development of important principles connected with the department of criminal justice, to which the attention of all the authorities is requested.

Extract (paragraphs 3 and 4) from the Court's Annual Criminal Report to Government, No. 2277, dated 30th October, 1840.

* Mr. Secy. Currie's letter, No. 2694, dated 6th November, 1839, paragraphs 8, 9, 10 and 11.
Court's reply, No. 1782, dated 22d idem, paragraph 3.

3. The first point, discussed in the correspondence cited in the margin,* relates to the prominence heretofore given to the proportion borne by acquittals to convictions in the number of persons apprehended on criminal charges, as well as in the cases of commitment to the sessions court, as a test for judging of the efficiency or otherwise of the conduct of his duties by a magistrate. The sentiments of the Court have been already communicated that such a criterion has been too much and too exclusively insisted on; but they, at the same time, beg to submit extract of instructions prepared by them for circulation, to the session judges, with revised criminal forms and statements, which have been for some time under the consideration of the Presidency Court, as elucidatory of their view thereon.

" Too exclusive stress appears to have been heretofore laid on the proportion borne by acquittals to convictions in the number of persons apprehended on criminal charges, as well as in cases of commitment to the sessions, viewed as a criterion for estimating the efficiency of the administration of a district—the recognized principle having been that any considerable disproportion between the number of persons apprehended in a zillah in any month, and the number whose cases the magistrate has been able to prosecute to punishment or commitment, must be regarded as presumptively shewing that a great proportion were subjected to seizure without reasonable grounds; a rule which, though abstractedly true, is open, when adopted as an invariable test for judging of the efficiency or otherwise of a system, to the objections, on the one hand, of its causing a magistrate to desire the conviction and punishment of the parties tried and fully disposed of in his own court, in order to shew fair returns, and, on the other, of inducing the same officer to abstain from the commitment, or to resist the apprehension, in the progress of an investigation, of all persons of whose conviction at the sessions he is not before hand certain, and of favoring the concealment and suppression of offences by the darogah of police, from his over-caution not to send in persons without

a certain quantum of proof to convict them, and his apprehension of being censured for so doing. Though therefore, when the acquittals may much exceed the convictions, cause for enquiry is doubtless shewn, which it should be your duty to institute, and the result of which you should note, yet you ought not to assume, as disparaging to the system of a district, a circumstance which may admit of satisfactory explanation, nor, on the other hand, pronounce a preponderance of convictions to indicate successful management, without first ascertaining how many judgments by the magistrate were appealed to, and revised by, the session judge, or in how many cases the punishment on conviction was so light as to render it not worth while to appeal, and what was the issue of the commitments made to your court."

4. Another important question on which correspondence* has passed, is the protracted continuance of criminal cases under investigation in some districts, and the detention of parties and witnesses resulting therefrom, a point to which it has been usual to attach great weight in judging of the degree of success with which the duties of a magistrate are conducted, without perhaps sufficiently taking into account obstructing causes, and various difficulties with which he has had to contend. What has also had the effect of much increasing, in many instances, the average rate of duration of a case in particular districts, is the inclusion therein of individual cases, which may have been indefinitely postponed owing to peculiar circumstances that the magistrate was unable to control; and as cases of this nature ought obviously to be excepted from the general calculation, the Court intend to prescribe their exclusion accordingly in the preparation of the remodelled forms. The following extract of the instructions already quoted, relates to this subject :—

* No. 2694, dated 6th Nov. 1839, from Mr. Secretary Currie, paragraph 12, No. 1782, dated 22d idem, from the Court.

No. 1360, dated 12th June 1840, from the Court, paragraphs 3 to 11.

No. 2333, dated 29th July 1840, from Government.

" The foregoing considerations, involving the nature and extent of the auxiliary agency in the criminal department, connect themselves closely with a subject to which your best attention should be directed, and which should be noticed in your report, viz. the long, moderate, or short duration of a criminal case, as affecting the convenience of parties and witnesses therein, and as indicative of a sound and effective system or the reverse. When therefore the average number of days during which cases under trial in a district appears excessive, or when great variation of time may be known to exist between one year or district, and another, the causes should be carefully investigated, and the principle of calculation tested, that is to say, whether individual cases of extraordinary protraction are included therein, or not, and whether the period is computed from the date of apprehension by the police (as it should be) or from the date of arrival at the sudder station of the magistrate."

TO THE SESSION JUDGES AND THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 19*th February*, 1841.

No. 80.

Instructions regarding the entry of heinous and petty offences and appeals, in the abstract statement of pending business appended to the magistrate's statement No. I.

THE Court, having recently ascertained that the criminal statements of some districts are so prepared as to present but an imperfect view of the state of business pending before the magistrates and their subordinates, direct me to bring the same to your notice, with a view to such irregularities being avoided, if they should have obtained in the district under your control.

2. The practices alluded to consist, first, in entering in the abstract statement of pending business, (on the back of the magistrate's statement No. 1,) those cases only in which the accused have been apprehended, or are in attendance on bail or personal recognisance; and secondly, in not entering appeals from the orders of their subordinates, as soon as the petitions are filed, but deferring the entry for the receipt of the proceedings or for other reasons. These practices are irregular. In the first case, the Court observe, that a case should be considered as pending, and entered in the statement, as soon as a petition or other information has been received, without reference to the defendants being present or not. In the second case, an appeal is to be considered as pending from the date of filing the petition of appeal.

3. The object of the statements required from the magisterial officers being to show the amount of business pending in their courts, and the progress made in disposing of such business, it is obvious that those statements serve only to mislead the controlling authorities if they exhibit the quantity of business despatched in the course of the month, but keep out of sight the actual number of cases remaining for disposal. Your particular attention is therefore required to the manner in which the statements of your district are drawn up.

TO THE CIVIL AND SESSION JUDGES, AND THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 26*th February*, 1841.

No. 81.

The charge of treasuries to devolve, in all practicable cases, on covenanted rather than on uncovenanted officers.

IT being the wish of the Government that the charge of treasuries should, in all practicable cases, devolve upon a covenanted rather than an uncovenanted officer, I am directed by the Court to intimate to you that it must be considered the duty of the magistrate or joint magistrate residing at the same station with the collector or deputy collector, to assume charge of the treasury of the revenue officer, during the authorized or unavoidable absence of the latter.

2. Your attention is at the same time requested to the Circular Order No. 26, dated 23d November 1838, which requires public functionaries to receive charge of public property when the officer having custody is unable, from any circumstances, to retain charge of it.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 1st March, } 1841.
Western Provinces, 18th June, }

No. 82.

Mode of service, and forms of processes under Act XXIII. 1840.

THE following instructions on the subject of Act XXIII. 1840, are promulgated for general information, and for guidance as occasion may require.

1st. Every process, civil or criminal, will be forwarded in an envelope to the address of the deputy sheriff of Calcutta, either by dawk, or by the hands of a peon or other public officer as may be most convenient, with a letter drawn up agreeably to the annexed form marked A.

+ modified by C. No 185 infra. See also No 20: infra

2d. Any money that it may be requisite to send to the deputy sheriff, will be remitted by a bill on the general treasury from the collector of the district.

3d. All subordinate judicial officers will submit the processes of their courts, which may require execution under Act XXIII. 1840, to their European principal, to be by him forwarded in the prescribed manner to the deputy sheriff.

4th. All processes will be drawn up agreeably to the forms marked B and C, or agreeably to such other forms as may from time to time be circulated by the Courts of Sudder Dewanny and Nizamut Adawlut.

5th. The party at whose requisition any witness may be summoned, must be prepared to pay to the witness such sum for his expences as the Judges of Her Majesty's Supreme Court may consider reasonable and proper.

6th. The judges and magistrates of the zillah courts will be careful that their own processes are drawn up correctly, and they will also ascertain that the processes of the subordinate courts, that may be forwarded to the deputy sheriff, are drawn up agreeably to these rules and to the Acts and Regulations of Government.

A.

TO THE SHERIFF OF CALCUTTA.

SIR,

I beg leave to enclose you (a notice* to be served on the parties therein named,) which I request you will have the goodness to present to the Judges of Her Majesty's Court agreeably to Act XXIII. 1840.

2. On your intimating to me the expenses of serving this process, the amount will be forwarded to you by a bill on the general treasury, and a person will attend hereafter (or, a person accompanies this letter) to point out the parties.

I have the honor to be,

Sir,

Your most obedient Servant,

Judge or Magistrate.

Zillah ——————
January 184—.

* or,
(a proclamation to be affixed to the outer door of the house in which the parties reside,)
or,
(a subpœna to be served on the witnesses therein named,)
or,
(a warrant to seize and apprehend the witnesses therein named,)
and so forth, *mutatis mutandis*.

B.

CRIMINAL PROCESSES.

No. 1. SUMMONS.

TO RAMDHUN MISTRY,

Inhabitant of Coolootullah, in the Town of Calcutta.

Whereas a complaint has been preferred on the solemn declaration of Sheik Rumjoo, inhabitant of Sealdah, in the 24-Pergunnahs, charging you with assault: you are hereby required to appear before the magistrate (or the principal sudder ameen, or sudder ameen) of the zillah of the 24-Pergunnahs, on or before the 15th day of April 1841, to answer to the said charge. Herein fail not. Dated the 2d day of April 1841.

L. S.

A. B.

Magistrate.

No. 2. Warrant with Bail.

TO MOHUMUD NAZIM,

Nazir of the Fouzdarry Court of the 24-Pergunnahs.

Whereas John Brown, inhabitant of Sealdah, stands charged on the solemn declaration of Rampersaud bearer, with assault attended with severe wounding: you are hereby directed to apprehend the said John Brown, and to require bail in the sum of 500 rupees for his appearance, before the magistrate of the said court, on or before the 20th day of April 1841, and if the said John Brown shall not give the bail above stated, you are directed to bring him before the magistrate of the said court. Herein fail not. Dated this 4th day of April 1841.

L. S. A. B.

Magistrate.

No. 3. Warrant.

To MOHUMUD NAZIM,

Nazir of the Fouzdarry Court of the 24-Pergunnahs.

Whereas Abdoollah Garewan, inhabitant of Kuryah, stands charged on the solemn declaration of Peerbux, inhabitant of Sulkea, with the crime of murder: you are hereby directed to apprehend the said Abdoollah Garewan, and to produce him before the magistrate of the said Court. In this fail not. Dated the 5th day of April 1841.

L. S. A. B.

Magistrate.

No. 4. Search Warrant.

To MOHUMUD NAZIM,

Nazir of the Fouzdarry Court of the 24-Pergunnahs.

Whereas Ramdoolal, inhabitant of Manicktollah, hath made information and complaint on solemn declaration, that the following property, that is to say, two brass lotahs, one string of gold beads, and two pieces of long cloth, were stolen from his house, situated

at Manicktollah aforesaid, and that he suspects that the aforesaid property is concealed within the dwelling house and premises of Hookoor Chand Mug, inhabitant of Chore Bagan, in the town of Calcutta: you are hereby authorized and required, with the necessary and proper assistance, to enter into the said dwelling house and premises of the said Hookoor Chand Mug, in the day time, and if the said property shall be found therein, you are required to bring the property so found and also the person of the said Hookoor Chand Mug, before this court.

Given under my hand and the seal of the court, this 6th day of April 1841.

L. S. A. B.

Magistrate.

No. 5. Subpœna.

To SHEIK PEERBUX,

Inhabitant of Coolootullah, in the Town of Calcutta.

Whereas your attendance is required to give evidence on behalf of Sheikh Miskin, inhabitant of Sulkea, in a case of assault: you are hereby required personally to appear before the magistrate (or the principal sudder ameen) of the zillah of the 24-Pergunnahs on the 6th day of April 1841. Herein fail not. Dated the 2d day of April 1841.

L. S. A. B.

Magistrate.

No. 6. Warrant for a Witness.

To MOHUMUD NAZIM,

Nazir of the Fouzdarry Court of the 24-Pergunnahs.

Whereas Sheik Peerbux, inhabitant of Coolootullah, in the town of Calcutta, was duly subpœnaed on the 4th day of April 1841, to give evidence in behalf of Sheikh Miskin, inhabitant of Sulkea, in a case of assault, and whereas the sum of five rupees was tendered to the said Sheikh Peerbux, for his expenses as appears by the declaration of Sheikh Rumzoo Peada, who has also declared to the due service of the said subpœna, and whereas the said Sheikh Peerbux has neglected and refused to appear according to

the exigence of the subpœna: you are hereby directed to apprehend the said Sheik Peerbux and to produce him before the magistrate of the said court. In this fail not. Dated the 7th day of April 1841.

L. S. A. B.

Magistrate.

No. 7. PROCLAMATION FOR THE ATTENDANCE OF A PARTY CHARGED WITH A CRIMINAL OFFENCE.

Proclamation of the Fouzdarry Adawlut of Zillah 24-Pergunnahs.

Whereas Ramdhun, inhabitant of Sealdah, stands charged on the solemn declaration of Rumzoo, inhabitant of Sealdah, with the crime of dacoity, and whereas a warrant was on the 7th day of April issued for his apprehension to answer to the said charge, and whereas from the report of Mohumud Nazim, nazir, dated 12th April 1841, it appears that the said Ramdhun has absconded or concealed himself so that the said process cannot be served upon him: proclamation is therefore (in conformity to Section 4, Regulation XI. 1796) hereby made that if the said Ramdhun shall not appear to answer to the said charge on or before the 15th May 1841, he will be subject to all the penalties of the aforesaid Regulation. Dated the 14th day of April 1841.

L. S. A. B.

Magistrate.

No. 8. RECOGNIZANCE OF A WITNESS.

Whereas Sheikh Janoo, inhabitant of Sulkea, has complained against Peru, inhabitant of Sealdah, charging him with assault, and I have been named as a witness for the complainant (or the defendant,) I hereby engage to appear before the magistrate of the zillah of the 24-Pergunnahs on or before the 12th day of April 1841, for the purpose of giving evidence; in default whereof, I hereby further bind myself to pay such fine to Government as the magistrate may judge proper to impose on me, as well as any expenses that may be incurred, in consequence of my non-attendance, for compelling my appearance. In this I will not fail. Dated the 7th day of April 1841.

L. S. SHEIKH RUMZAN,

Inhabitant of Durrumtollah, Calcutta.

No. 9. Bail Bond for the appearance of a party charged.

Whereas Syfoo, inhabitant of Sealdah, stands charged with assault, and is required to appear before the magistrate of the zillah of the 24-Pergunnahs on or before the 5th April 1841, to answer to such charge, I hereby bind myself to produce the said Syfoo before the said magistrate on the date aforesaid, and to be answerable for his appearance until a final order be passed by the magistrate upon the said charge; in default whereof, I further bind myself to forfeit to Government the sum of one hundred rupees. In this I will not fail. Dated this 5th day of March 1841.

L. S. PEERBUX.

N. B. The forms of civil processes will be found in the Civil Circular Order Book.

Translate of Forms prescribed by the foregoing Circular Order.

A.

کلکتے کے صاحب شریف کے لئے

۱ اِس چٹھي کے ساتھہ مٹیں آپ کے پاس ایک طلبانہ اِس اِرادہ سے بھیجتا ہون کہ جنکے نام اِس مٹیں مندرج ہٹیں اُن پر جاري کیا جاے لہذا آپ مہرباني کر کے قانون تیرھوین سنہ ۱۸۴۰ عیسوي کے روسے جناب عالیہ ملکۂ اِنگلستان کي سوپریم کوٹ کے صاحبان جج کے آگے درپیش کیجئے

یا

ایک اِشتہار اِس اِرادہ سے بھیجتا ہون کہ جنکے نام اُسمٹیں مندرج ہٹیں اُنکے گھر کے صدر دروازہ پر لگایا جاے

جوگواہ کہ اُسمیں مندرج ہیں اُنکے طلب کے لئے ایک سفینہ

یا

جوگواہ کہ اُسمیں مندرج ہیں اُنکی گرفتاری کے لئے ایک وارنٹ یعنے دستک

۲ جوکچھہ کہ اِس حکم کے جاری کرنے کی بابت صرف ہوگا تمھارے اطلاع دینے پر ایک بل جنرل ترپژری یعنے خزانۂ عام پر آپ کے پاس بھیجا جایگا اور جواسامی کہ اِشتہار میں مندرج ہیں اُنکے بتانے کے لئے ایک شخص اُسیکے پیچھے آپ کے حضور حاضر ہوگا (یا اِس چٹھی کے ساتھہ ایک شخص پہنچیگا)

ضلع ——

جنوری —— ۱۸۴

جج یا مجسٹریٹ

B.

نمبر ۱ سمنس

احکام فوجداری

رام دُھن مستری ساکن کلوتولہ واقعۂ شہر کلکتہ کے لئے

از بسکہ شیخ رمضو نے ساکن سیالدا چوبیس پرگنہ کے علاقہ میں تمھارے نام پر زدوکوب کی بابت نالش کی ہی لہذا تمکو حکم ہی کہ ۱۵ اپریل سنہ ۱۸۴۱ع کو یا اُسکے پیشتر اِس نالش کی جوابدہی کے لئے چوبیس پرگنہ کے صاحب مجسٹریٹ (یا صدرالصدور یا صدرامین) کے آگے حاضر ہو اِس میں تاکید جانو مورخہ ۱۲ اپریل سنہ ۱۸۴۱ع

مقام مہر

اے بی
مجسٹریٹ

نمبر ۲ وارنٹ یعنے دستک معه ضامني کے

چوبیس پرگنه کي عدالت فوجداري کے ناظر محمد ناظم کے لئے

ازبسکه رام پرشاد کهارنے زد وکوب اور مجروح کرنے کي بابت جان برون سیالدا کے ساکن پرنالش کي هی لهذا تمهین حکم هی که جان برون مذکور کو گرفتار کرکر ۲۰ اپریل سنه ۱۸۴۱ع کو یا اُسے پیشتر عدالت مذکوره کے صاحب مجسٹریٹ کے حضور حاضر هونیکے لئے پانچسو روپیه کي ضمانت لے لو اور اگر جان برون مذکور ضمانت مزبور ندے تو تمهین حکم هی که عدالت مذکوره کے صاحب مجسٹریت کے حضور اُسے حاضر کرو اِس مین تاکید جانو مورخهٔ ۴ اپریل سنه ۱۸۴۱ع

مقام مهر

اے بي
مجسٹریت

نمبر ۳ وارنٹ یعنے دستک

چوبیس پرگنه کي عدالت فوجداري کے ناظر محمد ناظم کے لئے

ازبسکه عبد الله گادیبان ساکن کڑایا پر پیر بخش ساکن سیالدا کے اظهار سے خون کے جرم کي بابت نالش هوئی هی لهذا تمهین حکم هی که عبد الله گادیبان مذکور کو گرفتار کرکر عدالت مذکوره کے صاحب

مجسٹریت کے حضور حاضر کرو اِس مٹن تاکید جانو مورخۂ ۵ اپریل سنہ ۱۸۴۱ع

مقام مہر

اے بي
مجسٹریت

نمبر ۴ خانہ تلاشي کا پروانہ

چوبیس پرگنہ کي عدالت فوجداري کے ناظر محمد ناظم کے لئے

ازبسکہ رام دولعل ساکن مانک تولہ نے اظہار کرکر اطلاع دي اور نالش کي کہ اشیاء مندرجۂ ذیل یعنے دو برنجی لوٹے ایک سونے کي مالا اور دو تھان لانگ کلا تھہ کے میرے گھر سے جو کہ مانک تولہ مذکور مٹن واقع ہی چوري گئے اور کہ میرا شبہ ہی کہ اشیاء مذکورہ ککور چند ساکن چورباگن واقعۂ شہر کلکتہ کے گھر اور احاطہ مٹن چھپي ہوئي ہٹن لہذا تمکو حکم ہی کہ تم کمک ضروري لیکر دن کے وقت ککور چند مذکور کے گھر اور احاطہ مٹن داخل ہو اور جو مال مسروقہ وہان پایا جاے اُسے معہ ککور چند مذکور کے اِس عدالت مٹن حاضر کرو

آج کے دن ۶ اپریل سنہ ۱۸۴۱ع کو میرے دستخط اور عدالت کي مہر سے دیا گیا

مقام مہر

اے بي
مجسٹریت

نمبر ۵ سفینه

شیخ پیربخش ساکن کلوتولہ واقعۂ شہر کلکته کے لئے

از بسکه شیخ مسکین ساکن سلکیا کے زد و کوب کے مقدمه کي بابت گواہي دینے کے لئے تمہارا حاضر ہونا ضرور ہے لہذا تمہین لازم ہے که تم اصالتا صاحب مجسٹریت (یا صدر امین اعلیٰ) چوبیس پرگنه کے ضلع کے حضور ۱۶ اپریل سنه ۱۸۴۱ع کو حاضر ہو اِسمیں تاکید جانو مورخۂ ۲ اپریل سنه ۱۸۴۱ع

مقام مہر

اے بي
مجسٹریت

نمبر ۶ گواہونکے لئے وارنٹ یعنے دستک

چوبیس پرگنه کي عدالت فوجداریکے ناظر محمد ناظم کے لئے

از بسکه زد و کوب کے مقدمه کي بابت شیخ مسکین ساکن سلکیا کي طرف سے گواہي دینے کے واسطے شیخ پیربخش ساکن کلوتولہ واقعۂ شہر کلکته کے نام پر ماہ اپریل کے چوتھي تاریخ سنه ۱۸۴۱ع کو سفینه جاري ہوا اور که شیخ رمضو پیادہ کے اظہار سے جسنے که سفینه مذکور کے دستور کے موافق جاري ہونیکي بابت بھي اظہار دیا ہے واضح ہے که شیخ پیربخش مذکور کو اپنے خرچ اخراجات کے لئے پانچ

روپیہ دینے کا اقرار کیا ہی اور کہ شیخ پیر بخش مذکور نے سفینہ مذکور کے موافق حاضر ہونے میں اِنکار اور تغافل کیا لہذا تمکو حکم ہی کہ شیخ پیر بخش مذکور کو گرفتار کر کے عدالت مذکورہ کے صاحب مجستریت کے حضور حاضر کرو اِسمیں تاکید جانو مورخہ ۷ اپریل سنہ ۱۸۴۱ع

مقام مہر

اے بي
مجستریت

نمبر ۷ جس اسامي پر فوجداري کے جرم کي بابت نالش ہی اُسکے حاضر ہونیکے لئے اِشتہار

ضلع چوبیس پرگنہ کي فوجداري عدالت کا اِشتہار

ازبسکہ رام دھن ساکن سیالدا پرد کیتی کي علت میں رمضو ساکن سیالدا نے نالش کی ہی اور کہ ایک وارنٹ ۷ اپریل کو اُسکی گرفتاریکے لئے جوابدہی کے واسطے جاري ہوا تھا اور کہ محمد ناظم ناظر کی رپوٹ مورخہ ۱۲ اپریل سنہ ۱۸۴۱ع سے واضح ہی کہ رام دھن مذکور روپوش ہوگیا ہی جس سبب سے وارنٹ مذکور اُس پر جاري نہین ہوسکتا لہذا قانون نوین کی دفعۂ چوتھی سنہ ۱۷۹۶ع کے بموجب اشتہار دیا جاتا ہی کہ اگر رام دھن مذکور پندرھوین مئی سنہ الیہ کو یا اُس سے پیشتر جوابدہی کے لئے حاضر

نہوگا تو جمیع سزاؤن مندرجۂ قانون مذکور کا سزاوار ہوگا
مورخۂ ۱۲ اپریل سنہ ۱۸۴۱ع

مقام مہر
اے بي
مجسٹریٹ

نمبر ۸ گواہون کا مچلکا

ازبسکہ شیخ جانو ساکن سلکیا نے پیرو ساکن سیالدا پرزد وکوب کي نالش کی ہی اور مدعی (یا مدعایہ) نے مجھے گواہ ٹھہرایا ہی لہذا یہہ مچلکا لکھہ دیتا ہون کہ ۱۲ اپریل سنہ ۱۸۴۱ع کو یا اُس سے پیشتر گواہی دینے کے لئے ضلع چوبیس پرگنہ کے صاحب مجسٹریٹ کے حضور حاضر ہوؤنگا اور کہ امر مذکورمیں اگر کچھہ قصور کرون تو جو کچھہ جرمانہ کہ صاحب مجسٹریٹ تجویز کرکے فرماوین اور اُسکے علاوہ جو صرف کہ میري غیر حاضري کے سبب سے واقعہ ہو سرکار میں ادا کرونگا اِسمیں عذر وحیلہ نکرونگا
مورخۂ ۷ اپریل سنہ ۱۸۴۱ع

العبـــ

نمبر ۹ اسامی کے حاضر ہونے کی حاضر ضامنی

ازبسکہ سیفو ساکن سیالدا پرزد وکوب کا اتہام درپیش ہی اور

اُسکی جوابدہی کے لئے ۵ اپریل سنہ ۱۸۴۱ع کو یا اُسے پیشتر ضلع
چوبیس پرگنہ کے صاحب مجستریت کے حضور اُسے حاضر ہونیکا حکم ہی
تو مین اِقرار کرتا ہون کہ سٹیفو مذکور کو تا رینخ مزبور پر صاحب
مجستریت موصوف کے حضور حاضر کرونگا اور جب تک کہ حکم
قطعی اتہام مذکور کی بابت صاحب مجستریت کے حضور سے نافذ
نہوگا اُسیکے حاضر کرنیکا ذمہ دار ہون اور اگر اُسے حاضر نکرون
تو سو روپیہ سرکار مین جرمانہ دون اور کچھہ اُسمین عذر وحیلہ نکرون
مورخہ ۵ مارچ سنہ ۱۸۴۱ع

العبـــــــــــــد

پیر بخش

A.

শ্রীযুত কলিকাতার সরিফ সাহেব বরাবরেষু।

১। আমি তোমার নিকটে এক তলবচিঠী পাঠাইতেছি এবং তাহার মধ্যে লিখিত ব্যক্তিরদের উপর তাহা জারি করিতে হইবেক অতএব আপনি অনুগ্রহ করিয়া ১৮৪০ সালের ২৩ আইনানুসারে শ্রীশ্রীমতি মহারাণীর সুপ্রিম কোর্ট আদালতের জজ সাহেবদিগকে তাহা দিবেন।

২। এই হুকুম জারিকরণে যে খরচা লাগে তাহা আপনি আমাকে জানাইলে জেনরল ত্রেজুরির উপর এক বিলের দ্বারা আপনার নিকটে তাহা পাঠাইব আসামীকে দেখাইয়া

দিবার নিমিত্ত এক জন ইহার পর আপনার নিকটে যাইবেক (অথবা এক জন এই পত্রের সঙ্গে যাইতেছে)।

অমুক জজ
অথবা মাজিষ্ট্রেট।

জিলা—
জানুয়ারি— ১৮৪

অথবা যে বাটীতে নির্দ্দিষ্ট ব্যক্তিরা বাস করে তাহার সদর দরওয়াজায় দিবার নিমিত্ত এক ইশ্‌তিহারনামা।

অথবা তাহার মধ্যে নির্দ্দিষ্ট সাক্ষিরদের উপর জারিহওনার্থ এক সফিনা অথবা তাহার মধ্যে নির্দ্দিষ্ট সাক্ষিরদিগকে ধরিবার ও গ্রেফ্তার করিবার এক ওয়ারণ্ট অর্থাৎ দস্তক।

B.

১ নম্বর। সমন।

ফৌজদারী হুকুম।

কলিকাতা সহরের কলুটোলা নিবাসি রামধন মিস্ত্রী প্রতি আগে।

চব্বিশ পরগনার শিয়ালদহ নিবাসি সেখ রম্‌জু মারিপিটের বাবতে তোমার নামে প্রতিজ্ঞা পূর্ব্বক নালিশ করিয়াছে অতএব ইহার দ্বারা তোমার প্রতি হুকুম হইতেছে যে ১৮৪১ সালের আপ্রিল মাসের ১৫ তারিখে বা তাহার পূর্ব্বে জিলা চব্বিশ পরগনার মাজিষ্ট্রেটের অথবা প্রধান শদর আমীন কিম্বা শদর আমীনের সম্মুখে হাজির হইয়া ঐ নালিশের জওয়াব দিবা ইহাতে গাফিলি করিবা না ইতি। ১৮৪১ সাল তারিখ ২ আপ্রিল।

মোহরের স্থান

অমুক
মাজিষ্ট্রেট।

২ নম্বর। ওয়ারণ্ট অর্থাৎ দস্তক ও জামিনি।

চব্বিশ পরগণার ফৌজদারি আদালতের নাজির শ্রীমহম্মদ নাজিম বরাবরেষু।

শিয়ালদহ নিবাসি জান ব্রৌনের নামে রামপ্রসাদ বেহারা প্রতিজ্ঞাপূর্ব্বক মারিপিট এবং দারুন আঘাতের বিশয়ে নালিশ করিয়াছে অতএব ইহার দ্বারা তোমার প্রতি হুকুম হইতেছে যে উক্ত জান ব্রৌনকে গ্রেফ্তার করিবা এবং ১৮৪১ সালের ২০ আপ্রিল তারিখে কিম্বা তাহার পুর্ব্বে উক্ত আদালতের মাজিষ্ট্রেট সাহেবের সম্মুখে হাজির হইবার নিমিত্তে তাহার স্থানে পাঁচ শত টাকার জামিন লইবা। এবং যদি ঐ জান ব্রৌন উপরের লিখিত জামিন না দেয় তবে উক্ত মাজিষ্ট্রেট সাহেবের সম্মুখে তাহাকে আনাইতে তোমার প্রতি হুকুম হইল। ইহাতে কসুর করিবা না ইতি। ১৮৪১ সাল তারিখ ৪ আপ্রিল।

মোহরের স্থান

অমুক মাজিষ্ট্রেট।

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৩ নম্বর। ওয়ারণ্ট অর্থাৎ দস্তক।

চব্বিশ পরগনার ফৌজদারি আদালতের নাজির শ্রীমহম্মদ নাজিম বরাবরেষু।

শালিখা নিবাসি পীরবক্স প্রতিজ্ঞাপূর্ব্বক কড়ায়া নিবাসি আবদুল্লা গাড়য়ানের নামে খুনের অপরাধে নালিশ করিয়াছে অতএব ইহার দ্বারা তোমার প্রতি হুকুম হইতেছে যে ঐ আবদুল্লা গাড়ওয়ানকে গ্রেফ্তার করিয়া উক্ত আদালতের মাজিষ্ট্রেট সাহেবের সম্মুখে তাহাকে আনাইবা ইহাতে কিছু গাফিলি করিবা না ইতি। ১৮৪১ সাল তারিখ ৫ আপ্রিল।

মোহরের স্থান

অমুক মাজিষ্ট্রেট।

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৪ নম্বর। খানাতালাশীর পরওয়ানা।

চব্বিশ পরগনার ফৌজদারি আদালতের নাজির শ্রীমহম্মদ নাজিম বরাবরেষু।

মানিকতলা নিবাসি রামদুলাল প্রতিজ্ঞাপূর্ব্বক এই এজহার ও নালিশ করিয়াছে যে নিচের লিখিত বিষয় অর্থাৎ পিতলের লোটা ও একছড়া সোনার হার এবং দুই থান

লাঙ্গক্লাথ পূর্ব্বোক্ত মানিকতলায় তাহার বাটী হইতে চুরি হইয়াছে। এবং উক্ত জিনিস কলিকাতা শহরের চোরবাগান নিবাসি ককুরচাঁদ মঘের ঘর ও বাটীর মধ্যে লুক্কাইত আছে এমত তাহার সোবে হয়। অতএব ইহার দ্বারা তোমাকে ক্ষমতা দেওয়া যাইতেছে এবং তোমার প্রতি হুকুম হইতেছে যে আবশ্যক ও উপযুক্ত সহায় লইয়া দিবাভাগে ঐ ককুরচাঁদ মঘের ঘর ও বাটীতে প্রবেশ করিবা এবং যদি উক্ত জিনিস সেখানে পাওয়া জায় তবে তুমি ঐ প্রাপ্ত জিনিস এবং ঐ ককুরচাঁদ মঘকে এই আদালতের সম্মুখে আনিবা ইতি। আমার দস্তখত ও এই আদালতের মোহর ১৮৪১ সালের ৬ আপ্রিল তারিখে করাগেল।

মোহরের স্থান

অমুক
মাজিষ্ট্রেট।

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৫ নম্বর। সফিনা।

কলিকাতা শহরের কলুটোলা নিবাসি সেখ পীরবক্স প্রতিয়াগে।

মারিপিটের নালিশে সালিখা নিবাসি সেখ মিস্কিনের তরফে সাক্ষ্যদিবার নিমিত্তে তোমার হাজির হওনের আবশ্যক আছে অতএব তোমার প্রতি হুকুম হইতেছে যে ১৮৪১ সালের ৬ আপ্রিল তারিখে জেলা চব্বিশ পরগনার মাজিষ্ট্রেট সাহেবের (অথবা প্রধান সদর আমিনের) সম্মুখে হাজির হইবা ইহাতে কিছু গাফিলি করিবা না ইতি। ১৮৪১ সাল তারিখ ২ আপ্রিল।

মোহরের স্থান

অমুক
মাজিষ্ট্রেট।

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৬ নম্বর। সাক্ষির বিষয়ি ওয়ারণ্ট অর্থাৎ দস্তক।

চব্বিশ পরগনার ফৌজদারি আদালতের নাজির শ্রীমহম্মদ নাজিম বরাবরেষু।

মারিপীটের নালিশে সালিখা নিবাসি সেখ মিস্কিনের তরফে সাক্ষ্যদিবার নিমিত্ত ১৮৪১ সালের ৪ আপ্রিল তারিখে কলিকাতা সহরের কলুটোলা নিবাসি সেখ পিরবকসের নামে রিত মতে সফিনা হইয়াছিল। এবং সেখ রমজু পেয়াদার কথাক্রমে বোধ হইতেছে যে ঐ সেখ পিরবকসকে আপনার খরচার নিমিত্ত পাঁচ টাকা দিতে প্রস্তাব হইয়াছিল এবং ঐ

সেখ রমজু পেয়াদা ঐ সফিনা রিতি মত জারি করিয়া ছিল এমত কহে। কিন্তু ঐ পিরবকস সফিনার হুকুম মতে হাজির হইতে ত্রুটী এবং অস্বীকার করিয়াছে অতএব ইহার দ্বারা তোমার প্রতি হুকুম হইতেছে যে ঐ সেখ পিরবকসকে গ্রেফ্তার করিয়া উক্ত আদালতের মাজিষ্ট্রেট সাহেবের সম্মুখে হাজির করাইবা ইহাতে গাফিলি করিবা না ইতি। ১৮৪১ সাল তারিখ ৭ আপ্রিল।

মোহরের স্থান

অমুক
মাজিষ্ট্রেট।

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৭ নম্বর। ফৌজদারি অপরাধে আসামীর হাজির হইবার ইস্তেহার।

জেলা চব্বিষ পরগনার ফৌজদারি আদালতের ইস্তেহার শিয়ালদহ নিবাসি রমজু প্রতিজ্ঞা পূর্ব্বক শিয়ালদহ নিবাসি রামধনের নামে ডাকাইতি অপরাধে নালিশ করিয়াছে এবং ঐ নালিশের জওয়াব দিবার নিমিত্ত তাহাকে গ্রেফ্তার করণের এক ওয়ারণ্ট গত ৭ আপ্রিল তারিখে জারি হইয়াছিল এবং ১৮৪১ সালের ১২ আপ্রিল তারিখের শ্রীমহম্মদ নাজিম নাজিরের রিপোর্টের দ্বারা দৃষ্টি হইতেছে যে ঐ রামধন পলাইয়াছে অথবা আপনাকে লুকাইয়াছে এবং ঐ হুকুম তাহার উপর জারি হইতে পারেনাই অতএব ১৭৯৬ সালের ১১ আইনের ৪ ধারাক্রমে ইস্তেহার দেওয়া জাইতেছে যে ঐ রামধন জদি ঐ নালিশের জওয়াব দিবার নিমিত্ত ১৮৪১ সালের ১৫ মে তারিখে কি তাহার পূর্ব্বে হাজির না হয় তবে ঐ আইনের লিখিত দণ্ডের জগ্য হইবেক ইতি। ১৮৪১ সাল তারিখ ১৪ আপ্রিল।

মোহরের স্থান

অমুক
মাজিষ্ট্রেট।

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৮ নম্বর। সাক্ষির মুচলকা।

সালিখা নিবাসি সেখ জানু শিয়ালদহ নিবাসি পীরুর নামে মারিপিটের বিষয়ে নালিশ করিয়াছে এবং ফরিয়াদি অথবা আসামী আমাকে সাক্ষি মানিয়াছে অতএব এই মুচলকা

লিখিয়া দিতেছি যে সাক্ষ্যদিবার নিমিত্ত ১৮৪১ সালের ১২ আপ্রিল তারিখে কিম্বা তাহার পূর্ব্বে চব্বিষ পরগনা জিলার মাজিষ্ট্রেট সাহেবের সম্মুখে হাজির হইব জদি আমি ইহাতে কিছু কসুর করি তবে মাজিষ্ট্রেট সাহেব যে জরিমানা সরকারে দিতে আমার প্রতি হুকুম করিতে উচিত বোধ করেন তাহা এবং আমার হাজির না হওয়াতে ও আমাকে হাজির করাইতে যে খরচা লাগে তাহার নিসা করিব এমত অঙ্গিকার করি ইহাতে কিছু গাফিলি করিব না ইতি। ১৮৪১ সাল তারিখ ৭ আপ্রিল।

(স্বাক্ষরিত) সেখ রমজান।
কলিকাতার ধর্ম্মতলা নিবাসি।

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৯ নম্বর। আসামীর হাজির করিবার নিমিত্ত হাজির জামিন।

শিয়ালদহ নিবাসি সৈফুর নামে মারিপিটের নালিশ হইয়াছে এবং ঐ নালিশের জওয়াব দিবার নিমিত্ত ১৮৪১ সালের ৫ আপ্রিল তারিখে বা তাহার পূর্ব্বে জিলা চব্বিস পরগনার মাজিষ্ট্রেট সাহেবের সম্মুখে তাহাকে হাজির হইবার হুকুম হইয়াছে অতএব আমি সেচ্ছা পূর্ব্বক একরার করিতেছি যে উক্ত তারিখে ঐ মাজিষ্ট্রেট সাহেবের সম্মুখে উক্ত সৈফুকে হাজির করাইব এবং উক্ত নালিশে মাজিষ্ট্রেট সাহেবের চুড়ান্ত হুকুম না হওয়া পর্য্যন্ত তাহাকে হাজির করাওনের দায়ি হইব জদ্যপি ইহাতে গরহাজির হয় তবে সরকারে এক শত টাকা জরিমানা আদায় করিব ইহাতে কিছু কসুর করিবনা ইতি। ১৮৪১ সাল তারিখ ৫ মার্চ।

পারবকস।

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, } *24th March,* 1841.
Western Provinces, }

No. 83.

Instructions regarding the wording of the charge, in cases

SEVERAL instances have lately occurred of defective indictments in trials meant to be referred to the Nizamut Adawlut under the Circular Order dated 7th May 1824, in

which the administering *dhutoora* with intent to rob has been charged, but the designation of *poison* not specifically adduced in the charge.

of administering poisonous or intoxicating drugs.

2. As such wording is indefinite and open to objection, the Court are pleased to direct that, in future, indictments in cases of the nature referred to shall be worded simply "administering *poison* or *poisonous* drugs with intent," &c. or "administering *intoxicating* drugs with intent," &c. (according as the Circular Order of 7th May 1824 or 18th September last, may apply to the case,) the article given, whether *dhutoora* or other substance, being adduced in the evidence in support of the charge.

TO THE CIVIL AND SESSION JUDGES, AND THE MAGISTRATES AND JOINT MAGISTRATES IN THE BENGAL DISTRICTS.

Lower Provinces, 2d April, 1841.

No. 84.

Attention to the style of proceedings in the Bengalee.

IT being desirable that the proceedings of the civil and criminal courts recorded in the vernacular, should be generally intelligible, by the adoption of a style equally removed from the colloquial and that employed by the pundits, I am directed to request that you will pay particular attention to the subject, and refer your head ministerial officers, and the uncovenanted judges under your control, to the Bengalee version of the Regulations of 1793, in regard both to the style which should be made use of by them and the terms which usually occur in legal proceedings.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces,
Western Provinces, } *30th April,* 1841.

No. 85.

Rules for the guidance of magistrates in adopting measures relative to insane British subjects.

THE Honorable the Court of Directors having signified a wish that the course of procedure authorized by law, in cases where the local magistrates may be called on to adopt measures relative to insane British subjects, should be defined and communicated for the guidance of those officers, the Court circulate, with the sanction of Government, the following rules.

1. Whenever it may come to the knowledge of a magistrate that an European British subject, wandering about and at large within his jurisdiction, is deemed to be insane, it shall be competent to him to direct the transmission of such person, in custody of a proper guard, but with due precautions against needlessly harsh or severe treatment, to the sudder station, and cause him to be carefully examined by the civil surgeon; and if on such examination, coupled with other proof, the magistrate shall be satisfied that such British subject is so far disordered in his senses that it is dangerous for him to be permitted to go abroad, he shall send him under a proper guard,* and with his warrant under his seal and signature, accompanied with a certificate under the signature of the civil surgeon, to the insane asylum at the presidency, securing, at the same time, the lunatic's property (should he have any) and intimating his state, in writing, to any relations or friends he may be known to have in India; and this rule shall not be understood to extend to prevent any such relation or friend that may be forthcoming from taking such lunatic with his property under his own care and protection.

2. The magistrate is authorized to attach and sell by auction any personal property such declared lunatic may possess, with a view to the proceeds being applied to the payment of necessary charges of removal, maintenance, clothing, medicine, and care of such lunatic; and he will keep an account of what expenditure he may himself incur on this head in his own office, and remit so much of the amount as may be needed to meet the above charges elsewhere.

3. Whenever there may not be sufficient property, or no property at all forthcoming, and no relations or friends of the insane person may be discoverable to take charge of him, the magistrate is authorized himself to disburse the necessary expences for the removal of the lunatic to the asylum and his subsistence in transit, and charge the amount to Government in a contingent bill, to be submitted with the countersignature of the session judge or commissioner.

4. The magistrate will report each occasion of his acting under the above rules to the secretary to Government in the judicial department, soliciting special instructions with reference to any peculiar circumstances that may arise.

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* The Western Court's Circular ran thus: "and with a certificate under his seal and signature, to what may be judged the most convenient place for his reception and confinement, which, in most instances, will probably be the insane asylum at the presidency," &c.

TO THE MAGISTRATES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 7th May, 1841.

No. 86.

Criminal statements Nos 1 to 7 to be sent up under signature of magistrate, as responsible officer, and not of joint magistrate.

A PRACTICE having become usual of the criminal statements Nos. 1 to 7 being submitted from many districts under the signature of the joint magistrate alone, as the officer vested with the charge of the department, the Court deem it necessary, with advertence to the Circular Orders of Government in the Judicial Department dated 19th ultimo, and published in the Agra Gazette of the 27th idem, and especially to the purport of paragraph 7, to direct that, in future, whatever may be the extent to which the performance of the criminal duties has been devolved on the joint magistrate, the statements in question be always revised and signed by the magistrate himself, with whom the whole responsibility is declared to rest.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 2d July, 1841.

No. 87.

The security statements of native officers of magistrates' courts, dispensed with.

THE Court, having understood that the security statements of native ministerial officers of the magistrates' courts, entrusted with public money, (which were required by the Circular Orders Nos. 34, 150, and 193, dated respectively the 23d September 1831, 3rd July 1835, and 16th December 1836, are forwarded to the superintendent of police, are pleased to dispense with your submitting such statements to them in future.

TO THE MAGISTRATES AND OFFICERS IN CHARGE OF JAILS, NORTH WESTERN PROVINCES, INCLUDING SAUGOR AND KUMAON.

Western Provinces, 2d July, 1841.

No. 88.

Modifications in the ration system of the jails in the N. W. Provinces.

THE returns to the circular call for particulars regarding the working of the system of rations in jails in the North Western Provinces, having been considered by the Court, they now, with the sanction of Government, promulgate for general information and observance the following remarks and orders.

Certain modifications announced of rules in force regarding rations of food to convicts, in respect to the quantity and quality of food and mode of supplying it; to the provisions of fuel, and to arrangements for shaving and washing. Plan of forming messes to be encouraged, but no coercive means used without orders to that effect.

2. Certain modifications of the existing plan have been resolved upon, as stated below, and will take effect from the 1st proximo.

1st. The daily ration is reduced from 1 seer (80 sicca weight) to 12 chittacks (60 sicca weight) that is, each convict will receive 10 chittacks of wheat flour, and 2 chittacks of "dall" daily, the latter to be replaced by an equivalent portion of vegetables, or rice, every second or third day, at the discretion of the magistrate—in addition to this a small quantity of salt, from $\frac{1}{4}$ to $\frac{1}{2}$ a chittack, is to be served out to each prisoner daily, as an *indulgence*, and to be so explained,—2 chittacks of ghee, $\frac{1}{2}$ a chittack of red or black pepper, and $\frac{1}{2}$ a chittack of tobacco will likewise be distributed to each, *weekly*.

2d. The daily allowance of wood is limited to 1 seer, but can be issued in even less quantities, according as experience may show the amount requisite for cooking the above quantity of food, and it will be the duty of the officer in charge of the jail to see that no superfluous issue or subsequent waste occur in this article of expenditure.

3d. The practice of allowing prisoners to barter portions of their ration of "otta" for other food, having been found prejudicial, will be entirely stopped. The whole of the above articles will be *served out* to the convicts, every other article of food or luxury being strictly excluded from the interior of the prison, where no "buneea" or shop of any sort will be permitted to be located. Under this rule, properly enforced, no portion of the ration will, of course, be exchangeable, nor will any means be attainable to a convict for exchanging, if so inclined. In no case will a departure from this rule be allowed except under direct instructions from the civil surgeon, whose requisition must be made through the magistrate, and not in any way direct to the darogah himself. The hospital is, also, of course excepted from the operation of this general rule.

4th. Barbers and washermen are in future to be entertained on the part of Government, and the issue of the weekly pice to each prisoner for the purposes of washing and shaving, stopped; but it is expected that the charge on this account will not exceed the aggregate amount of the allowance of a pice per week per man heretofore paid by the state.

3. In carrying into effect the substitution of rations of food for a money subsistence allowance to prisoners, two plans have been advocated, viz. the formation of messes, and the distribution to convicts of cooked food, instead of raw flour or "dall;" the former plan has been in some jails partly introduced, though in some instances strongly opposed by the prisoners of the Hindoo persuasion. Government are of opinion that these measures ought not to be compulsorily enforced, if there be any good ground to believe that they will offend or violate the religious prejudices of the prisoners, or injure the

future prospects of those who may be subjected to temporary imprisonment; while, on the other hand, should the real ground of opposition be repugnance to relinquish a practice which tends to lighten the irksomeness of confinement in jail, such an objection ought to be at once set aside.

4. Steps are in progress for ascertaining, as far as it may be possible, the extent to which these objections to messing and the acceptance of food cooked by others have tangible foundation or the reverse, and, in the mean time, the magistrates are exhorted to encourage the system of messing as far as they discreetly can, without having recourse to measures of compulsion, which they are distinctly to understand must not, until further orders, on any account be resorted to.

Two points noticed as worthy of attention in relation to prisoners' health, viz., the purchasing wheat for jail use and grinding it by convict labor, and provision of means for ablution and personal cleanliness of inmates of the jails.

5. The plan of purchasing the wheat needed for consumption through a trusty agent, and having it ground inside the jail by the prisoners themselves, the Court find to have been already widely adopted, as a valuable means of providing good nutritious diet in the place of adulterated food, and thus conducing to the improved health of the prisoners. Its general introduction is no doubt desirable. But it must be borne in mind that trustworthy superintendance, and the unrelaxed personal exertions and scrutiny of the magisterial and medical authorities, are essential conditions of its success. Magistrates of any districts where grinding by convict labor is not yet in force, are recommended to consult the magistrates of Allahabad, Humeerpore, Furruckabad, or Barelly, in the jails of which districts its operation appears to be most effective.

6. The application of the Doab Canal mills to the grinding of flour for consumption in the Suharunpore jail, recommended by the medical officer (Dr. Falconer) and magistrate of that district, having been approved by Government, it is notified that the local authorities may proceed to carry the scheme into execution in such manner as may be found most advantageous.

7. As further connected with the health of the prisoners, the importance of providing means for their more frequent ablutions and greater personal cleanliness is worthy of notice, as exemplified in the salutary effect produced on the health of the Cawnpore convicts, from the permission given them to bathe in a tank adjacent to the prison. The same means may not probably exist in many districts for securing this object free of outlay; but Government is prepared to receive any plan for its attainment at a moderate expense, and considers that the attention of magistrates may in the mean time be advantageously directed to the subject.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 9th July, 1841.

No. 89.

Rules regarding rations in the jails in the Lower Provinces, in supersession of former orders.

WITH the sanction of Government, I am directed by the Court to communicate to you the following rules regarding rations; superseding those contained in the Circular Orders Nos. 24 and 28, dated respectively the 26th April and 23d August 1839.

RULES.

1. Every prisoner in the criminal jail to be provided daily with dry or uncooked rations, and no money to be paid to the prisoners on any account whatever.

2. One seer of rice (the seer being 80 sicca weight) to be the standard of the quantity of food to be given daily to each prisoner in the jails in the Bengal Presidency. Each prisoner is also to be allowed one seer and a half of wood to cook his food, and one kucha of tobacco.

3. The magistrates shall be at liberty, on the written request of the civil surgeon, to give ¼ of a seer of rice more daily to such prisoners as he may consider proper, reporting the same to the Nizamut Adawlut.

4. The rations to be fixed agreeably to the following form and provided by contract:

Sunday, ...	Rice and vegetables.
Monday, ...	Rice and fish or meat.
Tuesday, ...	Rice and vegetables.
Wednesday, ...	Rice and dall.
Thursday, ...	Rice and fish or meat.
Friday, ...	Rice and vegetables.
Saturday, ...	Rice and dall.

5. Money is not on any account to be carried into the jail.

6. No bartering on any account to be allowed. The prisoners to be allowed only what is laid down in the foregoing form.

7. The medical officer of the station is to approve of the musters of the provisions. The musters to be sealed up in bottles or jars, and the contract to be reduced to writing.

8. All the prisoners in the criminal jail, those under examination or committed to the sessions only excepted, to be formed into messes.

9. Each mess to consist of 20 men as the standard number, and one cook to be allowed for that number.

10. List of any prisoners of the classes that ought to mess, but who for any special cause are exempted from messing, to be submitted quarterly to the Nizamut Adawlut, with a column for remarks in which the cause of exemption is to be briefly stated.

11. In the morning when the prisoners go to work, the mess cooks to be employed in drawing water, cleaning the wards, washing the cooking utensils, receiving the rations from the contractor and making the necessary preparations for cooking: after this the cooks to be employed in weeding in the jail.

12. The magistrates are to indent on the commissariat* for iron degchies or cooking pots, which will be proportioned to the size of the messes.

13. The surgeon of each station to see the prisoners at a meal, at least once a week, and his visits to be at irregular intervals and unannounced.

14. A public register to be kept by the surgeon of his visits, in which is to be entered any remarks he may consider necessary regarding the dieting of the prisoners. It will be the duty of the session judge to see that this register is regularly kept up.

15. Contractors to be allowed to build store-houses for their grain on any Government ground near the jail, and, provided the contract is duly performed one year by the individual erecting the same, one-half of the cost of the store-house to be defrayed by Government.

16. In addition to the standard ration, one pice to be allowed for each prisoner for washing and shaving.

17. All washing and shaving to be performed by contract.

Remarks on the rules for regulating the dieting of prisoners in the criminal jails under the Bengal Government.

Rule 1st. This rule is to apply to every prisoner in the criminal jail, male and female, whether sentenced to imprisonment with labor or simple imprisonment, whether under examination by the magistrate or commitment to the sessions court. The magis-

* Vide C. O. No. 9[illegible] of the 17th December following.

trate of Mymensing has been prohibited from allowing 10 cowries daily to each man for the purchase of condiments, as opposed to this rule. The word, "provided," is not to be construed as rendering it necessary that the prescribed ration of each prisoner should be actually put into the hands of the prisoner himself; it will be sufficient to give it to his mess cook, as stated in Rule 11th.

Rule 2d. As a general rule the quantity of food to be given is to be regulated by the standard set up, viz. one seer of rice, exclusive of an adequate allowance of firewood and tobacco. This, however, is not intended to limit the quantity to one seer, if that quantity be found really inadequate. According to the information before the Government one seer seemed to be sufficient, an opinion the correctness of which the experience of two years has greatly tended to establish; but if it be otherwise, it will be the duty of the magistrates to lose no time in reporting the actual facts. A contract entered into by the magistrate of Dacca, which gives each convict 1¼ seer of rice per diem, is at variance with the rule which limits the standard to one seer. The magistrates will be careful to observe that the standard is purely one of quantity and not of value. This observation would scarcely have been called for had it not been that, notwithstanding the clear and express provisions of the 1st and 2d Rules circulated on the 23d August 1839, the magistrates of Midnapore and Sarun and the joint magistrate of Chumparun have acted as if the standard was one of value, by limiting the quantity of any other article, given in exchange for a portion of the prisoner's rice, to the value of the rice, instead of regulating it by the quantity of rice given in exchange.

Rule 3d. The magistrate will submit the report required by this rule, at as early a period as practicable after the receipt of the surgeon's written report. He will not, however, wait for the order of the Nizamut Adawlut on the reference, but comply at once with the surgeon's application.

Rule 4th. The form fixing the daily rations of the convicts has been prepared from the several returns furnished by the magistrates. The proportion of each kind of food and of condiments, will be fixed by the magistrates, who will on this and other minor points consult the inclinations and habits of the prisoners. Should atta form the usual article of food of any of the prisoners, as will probably be the case in the districts of the Behar province, the magistrates will of course make the requisite alteration in the rations. In the event of any magistrate or surgeon considering that the form of fixed ration is not applicable to his district, he will submit a special report, with his reasons in detail, for the information of the Nizamut Adawlut. The report of the surgeon to be sent through the magistrate.

Rule 5th. Money is not to be carried into the jail, for this reason, among others, that it affords prisoners the daily enjoyment of marketing, which would be a great alleviation

of the punishment of any class of men, but peculiarly agreeable to the Indian character. As this enjoyment has no good moral effect upon the prisoner, and tends to make the penalty of his crime less efficacious than it ought to be, the indulgence appears in this view an unmixed evil.

Rule 6th. It would be to no purpose to prevent marketing with money, if it were allowed to market by barter. The prisoners therefore are not on any account to be allowed to barter. As already explained, they will receive such daily rations, within the standard fixed upon, as the magistrate may determine, with reference to the form. The magistrates will be expected to attend carefully to the instructions on this point, which, though clear and express in the 5th Rule circulated on the 23d August 1839, have not been attended to by the magistrates of Rungpore, Noacolly, Chittagong, Midnapore, and Cuttack.

Rule 7th. A copy of this rule is to be furnished by every magistrate to the civil surgeon of his district.

Rule 8th. The magistrates will adopt measures for introducing the system of messes throughout the criminal jails, forming into messes all convicts whether sentenced to imprisonment with labor or simple imprisonment. In a few instances the state of the jail buildings has greatly impeded the magistrates in their endeavours to introduce the system of messes effectually. It is expected however that every exertion will be made to overcome such obstacles, and that the magistrates will not readily attend to the objections which (they may expect) will be urged against the full introduction of the plan. The instructions already issued on the subject of messes have not been properly attended to by some magistrates, and the reasons given for not introducing the measure into some of the jails, such as Beerbhoom, Shahabad, Noacolly, Chittagong, and Hooghly, are quite insufficient. In one district (Bhaugulpore) the food of the Mussulman convicts is cooked together, but served out separately by the cooks to each convict. This plan is at variance with the rule enjoining that the prisoners shall mess together.

Rule 9th. This rule lays down the number of men to a mess, fixing the standard at 20. This of course must vary according to circumstances, such as the sufficiency or otherwise of a number of men of the same caste to form a mess of 20, or other cause. The rule is not intended to be imperative, but to serve as a guide to the magistrate in distributing the prisoners into messes. In the formation of messes, the prisoners sentenced to labor should be kept separate from those sentenced to simple imprisonment. As the labor of the cooks will not equal that of the other convicts, well behaved convicts might be employed as cooks; and a selection should be made from the convicts sentenced to labor, for cooking the food of the prisoners sentenced to simple imprisonment. These

cooks must form an exception to the general remarks made above, regarding the separate messing of convicts sentenced to imprisonment with and without labor, and should mess with the prisoners for whom they cook.

Rule 10th. Exemption from messing should not be allowed for every trivial cause. The rule is that messes be formed, and the exceptions are to be as few as possible.

Rule 11th. This rule points out the mode of employing the cooks, who are not to be sent out with the working gangs. It is probable that objections, on the score of caste, may be occasionally made by the cooks to cleaning the wards of the jail. These will of course meet with proper attention from the magistrates.

Rule 12th. Calls for no remark.

Rule 13th and 14th. Every magistrate will furnish the surgeon of his district with a copy of these rules.

Rule 15th. The contract system for providing the food, at a fixed rate all the year round, should be had recourse to where it is practicable. The contract should be made with due regard to economy, on the one hand, so as to protect the Government against unnecessary expense, and, on the other, to the health of the prisoner, so as to ensure for him the full allowance fixed by Government for his daily ration, which from the best information is not more than sufficient for a laboring man in good health. Though the expense of feeding a prisoner has not hitherto differed to any very material extent in many districts, in one or two districts it has fallen very far short of the usual average, while again in others it has far exceeded that average. Thus in the joint magistracy of Bograh, the expense of feeding a prisoner is very low, and in the 24-Pergunnahs very high. The difference between these two districts is nearly one hundred and seventy-five per cent. for the feeding of each prisoner. In Bograh the expense is probably too low, and the prisoners under-fed. In the 24-Pergunnahs the case is no doubt the reverse.

Rule 16th and 17th. Do not appear to call for any remark.

N. B. The foregoing rules are to be considered applicable in their full extent to the male convicts only. The magistrate may enforce them as far as he is able in regard to female convicts also; but the small number of female prisoners in most of the jails, will, in many instances, render the application of them impracticable.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 6th August,
Western Provinces, 8th October, } 1841.

No. 90.

Creation of unauthorized funds in public offices, interdicted.

UNDER instructions from the Government, the Court notify, for general information, that the Honorable the Court of Directors have prohibited the creation and maintenance of unauthorized funds in the public offices, through the means of fines, or from deductions made from the pay of establishments; and have directed that sums thus accruing should be carried to the credit of Government.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces,
Western Provinces, } 25*th August* 1841.

No. 91.

Rule for relief of civil and session judges, empowering them to employ, at discretion, their head clerks in certain unimportant duties now done by the former.

THE Court publish the following rule, determined on by the Courts of Sudder Dewanny and Nizamut Adawlut of the Lower and Western Provinces in concert, with the sanction of Government, for devolving on the head clerk of the zillah judges' establishment certain unimportant duties hitherto performed by the judge, with a view to the relief of the latter officer.

2. The judges are empowered, at their discretion, to employ their head clerks in the following duties:

Attesting copies of decrees and other documents granted to parties on stampt or plain paper under the judge's orders.

Attesting copies of proceedings sent to the local authorities and to other districts under the judge's orders.

Registering in English the mooktyarnamahs, and preparing them for the judge's attestation.

3. As a needful precaution against error and abuse, it is at the same time ordered that the head clerk, when entrusted with such duties at the discretion of the judge, is never to attach his signature to any document without its' correctness having been previously attested and certified by the head ministerial native officer of the judge's court.

TO THE SESSION JUDGES, AND THE MAGISTRATES AND JOINT MAGISTRATES IN THE BEHAR DISTRICTS, INCLUDING MONGHYR.

Lower Provinces, 27th August, 1841.

No 92.

Commitment of persons supposed to belong to an association for robbing and murdering travellers, &c. to be made by the assistant to the general superintendent for the suppression of thuggee.

WITH reference to the annexed extract of a letter from the superintendent of police, the Court are pleased to direct that persons accused of robbery and murder (or either of those crimes,) under circumstances justifying a suspicion that the crimes have been perpetrated by persons engaged in a systematic combination for such purposes, be in future made over to Captain Ramsay, the assistant superintendent in Behar, who is invested with the powers of joint magistrate in the Behar province, Monghyr included. It will be the duty of that officer to commit the persons so transferred, to be tried before the special session judge for the trial of thugs, and to make investigations as to the existence of combinations of the kind described, with a view to the suppression of the offences to which they give rise.

Extract (paras. 2 and 3) from a Letter of the Superintendent of Police, dated 2d instant.

PARA. 2. I have no doubt however but what a combination exists along the lines of road frequented by travellers, pilgrims, &c. for robbery by this atrocious method, and that the dak bearers, petty muddees at the halting places, bhutearas, and common thieves, are concerned in it. I also think that it is carried on to a greater extent than is officially known, or generally suspected, and that many of the travellers, whose corpses, at the times of pilgrimage to Gyah or Hurree Chetra, are found by the roadside or at halting places, have met with their deaths from such means. The roads are so inadequately protected without any patrol, that there is always an opportunity for such a crime almost without a chance of discovery.

3. Several cases have lately occurred in Behar, Patna, and Shahabad; and I think it would be advisable to make all such trials over to the officers of the thuggee department for commitment to the thuggee session judge; for if, as I believe, there is a combination as above stated, it is more likely to be traced out by the cases being placed in the hands of one officer than by the divided investigations of separate magistrates.

TO THE SEVERAL MAGISTRATES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 24th September, 1841.

No. 93.

Attention of magistrates called to Circu-

THE Court, adverting to the usual increase of mortality in the jails on the approach of the cold season, and to the necessity of mitigating, by all possible means, the evil effects caused by change of season to which much of the sickness is wont to be ascribed, take

occasion to call the attention of magistrates to the Circular Order of the Nizamut Adawlut, dated 14th October 1836, enjoining that all prisoners in confinement during the cold season, not already so provided, are to be furnished with blankets, which should invariably be issued on or before the 15th October.

lar Order of 14th October 1836, regarding issue of blankets to convicts.

TO THE SESSION JUDGES IN THE LOWER PROVINCES.*

Lower Provinces, 29th October, 1841.

I AM directed to inform you that the Court are pleased to dispense with translations of all proceedings in criminal trials referred to them, with the exception of those cases, tried with the assistance of the law officer, in which the session judge may recommend a capital sentence.

No. 94.

Translates of proceedings generally dispensed with in criminal trials.

* This Circular was not sent to the authorities in Orissa.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th November, 1841.

AN instance having been brought to the notice of the Government, of an improper mode of address towards a native gentleman of rank by a public functionary, I am directed to request that you will be careful that native gentlemen, and particularly those of high rank, are addressed in all public documents in a courteous style suitable to their station in society.

No. 95.

Native gentlemen of rank to be addressed by the authorities in a suitable manner.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 3d December, 1841.

THE Court, having observed in various instances, that the proceedings and orders of the different courts of justice are headed with the names of the heathen deities, desire me to request that such practice may be discontinued in all orders of the courts and processes emanating therefrom.

No. 96.

Names of heathen deities not to be prefixed to proceedings of the courts.

2. At the same, I am directed to observe that the above order has no reference whatever to petitions, documents, or papers of any kind which may be presented to the courts, in regard to which you will be careful to abstain from all interference.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 17*th December*, 1841.

No. 97.

Iron degchees for messes of convicts to be provided by the magistrates.

IN modification of Rule 12 of the Circular Order No. 2583, of the 9th July last, which authorizes magistrates to indent on the commissariat for iron degchees or cooking pots, I am directed by the Court to intimate to you that magistrates are to make their own arrangements for procuring those articles.

G. H. Huttmann, Bengal Military Orphan Press.

TO THE SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 27th June, 1842.

No. 98.

Rules for the preparation of the monthly and annual criminal statements, with new forms.

THE Court of Nizamut Adawlut having completed the revision of the monthly and annual criminal statements on which they have been for some time engaged, I am directed to transmit to you the accompanying new forms of statements which have been devised for submission by the session judges and magistrates respectively, as enumerated in the subjoined list, together with separate rules for guidance in preparing the statements of each of those departments, and to request that you will introduce the monthly forms from the commencement of the year 1843, and adopt the yearly form in the preparation of the annual criminal returns for that year, prescribing a similar introduction and use by the magistrate (or magistrates) subordinate to you, to whom such of the statements and instructions as appertain to their department should be duly communicated.

2. The more comprehensive form of these statements, in consequence of the various additions and alterations which have been made in devising them, and the increased utility likely to result from them, as records of information and check, will be obvious; and the mode of their preparation, together with the way in which one part corresponds with another, and thus constitutes a powerful means of detecting error, is fully detailed in the rules appended to this letter.

3. But to ensure any practical value in these returns, care and attention in their preparation, and unabated vigilance in their supervision, are absolutely essential. Your duty, in revising the magistrate's statements, will be, not only to see that they are technically accurate, and that no part of the information they are expected to contain is wanting, but to ascertain, as far as they supply means of judging, whether the several officers subordinate to you have been assiduous in the discharge of their duties. You will notice any irregularity that may appear on the face of the statements, taking such immediate steps as consist with your competency to correct the same, calling for explanation on any points that may require it, and briefly stating on the return, under the head of remarks, the nature of any orders which you may have issued to the magistrate or his subordinates.

4. The above observations apply with equal force to all returns, monthly and yearly, submitted through your office. Your annual report on the administration of criminal justice should, besides, advert to the following general points.

5. Too exclusive stress appears to have been heretofore laid on the proportion borne by acquittals to convictions, in the number of persons apprehended on criminal charges, as well as in cases of commitment to the sessions, viewed as a criterion for estimating the efficiency of the administration of a district,—the recognized principle having been, that any considerable disproportion between the number of persons apprehended in

a zillah in any month, and the number whose cases the magistrate has been able to prosecute to punishment or commitment, must be regarded as presumptively shewing that a great proportion had been subjected to seizure without reasonable grounds; a rule which, though abstractedly true, is open, when adopted as an invariable test for judging of the efficiency or otherwise of a system, to the objections, on the one hand, of its causing a magistrate to desire the conviction and punishment of the parties tried and finally disposed of in his own court, in order to shew fair returns, and, on the other, of inducing the same officer to abstain from the commitment or to resist the apprehension, in the progress of an investigation, of all persons of whose conviction at the sessions he is not before certain, and of favoring the concealment and suppression of offences by the darogah of police from his over caution not to send in persons without a certain quantum of proof to convict them, and his apprehension of being censured for so doing. Though, therefore, when the acquittals may much exceed the convictions, cause for enquiry is doubtless shown, which it should be your duty to institute and the result of which you should note, yet you ought not to assume as disparaging to the system of a district a circumstance which may admit of satisfactory explanation, nor, on the other hand, pronounce a preponderance of convictions to indicate successful management, without first ascertaining how many judgments by the magistrate were appealed to and reversed by the session judge, or in how many cases the punishment on conviction was so light as to render it not worth while to appeal, and what was the issue of the commitments made to your court.

6. In reciting the detail of orders confirmed, modified or reversed by your court, in cases carried up in appeal by parties dissatisfied with the magistrate's decision, you will state what opinion of the general character of the proceedings of that officer, or the authorities subordinate to him, such revision has enabled you to form. Any other circumstances which may appear to you worthy of being noted concerning this branch of your controlling duties, will be acceptable to the Court as a further means of estimating the efficiency of the magisterial body, and the success of their administration.

7. The opinion which you may form of the proceedings of the magistrate and his subordinates, from the result of the commitments made to your court, should be recapitulated in your report, with such prominent reference to particular cases, whether convictions, acquittals, or commitments cancelled during the year, as may serve to illustrate your remarks.

8. In reviewing the performances of the year, you will not fail to advert to the share taken by the several officers subordinate to the magistrate in the disposal of fouzdaree business, and to the manner in which they have severally discharged their duties. The magistrate should therefore be required to report specifically on these points, with reference to the joint magistrate and assistants (if any) under him, and to the native judges and law officers. The services rendered in this department by the native judges should be distinctly brought into view, and the result of the appeals from their orders noticed by the magistrate.

9. The considerations in the foregoing paragraph, involving the nature and extent of the auxiliary agency in the criminal department, connect themselves closely with a subject to which your best attention should be directed, and which should be noticed in your report, viz. the long, moderate, or short duration of a criminal case, as affecting the convenience of parties and witnesses therein, and as indicative of a sound and effective system or the reverse. When therefore the average number of days during which cases were under trial in a district, appears excessive, or when great variation of time may be known to exist between one year or district, and another, the causes should be carefully investigated, and the principle of calculation tested, that is to say, whether the period is computed from the date of apprehension by the police (as it should be) or from the date of arrival at the sudder station of the magistrate.

10. As respects your own court, particulars will be expected of the extent of the use of the jury or assessor system in criminal trials, and the degree of success attending it, of the mode of selecting such agency, (to illustrate which a new form No. 13, has been devised;) and of the defects or abuses found or suspected to prevail in making use ot it, with your opinion of the best remedy.

11. Besides the points noted, the Court request that you will bring to their notice whatever you may consider worthy of remark either in the laws in force, or in the instruments for administering them, comprehending such information of the condition of the district under you, as local experience and observation will readily supply, but to convey which the most elaborate figured statements would be inadequate.

12. In order to ensure the requisite information being furnished irrespectively of changes of officers, the Court direct that whenever a session judge may deliver over charge of his office preparatory to any thing beyond a temporary absence, he shall place on record a minute, containing particulars of the nature aforesaid, and his opinion on the several points to which allusion has been made, for the use of his successor, and eventually for submission to the Court.

13. A supply of blank lithographed forms of each description of statement sufficient for immediate use, is herewith forwarded; and you will in future indent on the Court for every fresh supply you may require, making such timely applications as to admit of the forms reaching you before those last furnished are entirely exhausted, so as to obviate delay in the submission of the statements at the prescribed period, or the necessity of having recourse to manuscript forms.

List of Statements.

SESSION JUDGE'S STATEMENTS.

No. 1. Statement of persons brought to trial, convicted, acquitted, and referred.

„ 2. Detail of headings 41 and 42 of statement No. 1.

No. 3. Statement of prisoners detained on requisition of security.
„ 4. Statement of appeals preferred from the magistrate's and joint magistrate's orders.
„ 5. Abstract of sessions operations.
„ 6. Statement of prisoners punished without reference.
„ 7. Register of criminal trials referred to the Nizamut Adawlut.
„ 8. Statement of prisoners acquitted by the session judge.
„ 9. Register of criminal trials, for the submission of which to the Nizamut Adawlut orders have been received during the month.
„ 10. Calendar of trials postponed.
„ 11. Annual statement of persons confined in jail on requisition of security for good conduct.
„ 12. Statement of the average time occupied in the disposal of cases.
„ 13. Particulars regarding persons employed as punchayet, assessors, and jury under Regulation VI. of 1832.
„ 9 A. Statement of appeals from the decisions of the assistant, &c. to be submitted where there may be two or more magistrates under the same session judge.

MAGISTRATE'S STATEMENTS.

No. 1. Parts 1 to 8. Statement of crimes committed, persons under trial, convicted, committed, and acquitted, during the month or year.
„ 2. „ 1 and 2. Detail of headings 41 and 42 of statement No. 1.
„ „ „ 3. Disposal of the prisoners and casualties.
„ „ 4 and 5. Persons in custody in default of security for good conduct.
„ „ 6. Persons in custody in default of security to keep the peace.
„ 3. „ 1 and 2. Prisoners under commitment when the statement closed.
„ 4. Abstract statement of summary suits for forcible dispossession, under Act IV. of 1840.
„ 5. Statement of prisoners whose cases were under reference to the Nizamut Adawlut.
„ 6. Abstract statement of criminal business disposed of and pending.
„ 7. Abstract of the calendar of persons convicted, committed, and acquitted by the magistrate, joint magistrate, &c.
„ 8. Average period which intervened between the date of apprehension or summons and disposal of the cases in the magistrate's court.
„ 9. Statement of the appeals preferred from the orders of the assistant, principal sudder ameen, &c.

RULES

FOR THE PREPARATION

OF

THE SESSION JUDGE'S STATEMENTS.

SESSION JUDGE'S STATEMENT No. I.

MONTHLY AND ANNUAL.

PART I.

Officers Employed.

C. O. 5th Decr. 1834, No. 157, L. P.
7th Novr. ,, ,, W P.
23d Jany. 1835, ,, W. P.

1. THE rules detailed in paragraphs 1 to 5 of the remarks relating to the magistrate's statements, regarding the reports to be made and the forms to be observed on the occasion of changes of officers, will be equally applicable to the session judges.

C. O. 6th Feby. 1835, No. 161, L. P. & W. P.

2. Whenever a session judge delivers over charge of the current duties of his office to an officer not authorized to act as judge, he will call the attention of the relieving officer to the rules which define and limit the functions he is competent to discharge, as well as to the preparation and transmission of such statements and reports as the session judge may, under the rules in force, be required to submit to the Nizamut Adawlut, or to Government, as the case may be.

Columns 1, 2, 3, *and* 4.

3. These columns should present a transcript of columns 22, 23 and 24, of the statement relating to the period preceding that under report.

Column 5.

4. This column should be an exact counterpart of column 12, part 1, of the magistrate's statement No. 1, part 1.

Session Judge's Statement No. 1—*Monthly and Annual.*

C. O. 27th Novr. 1835, No. 185, W. P.
15th Jany, 1836, No. 190, L. P.
15th July, ,, No. 201, W. P.

5. Until the receipt of the roobakaree, which the magistrate is required, by paragraph 24 of the rules prescribed for his guidance, to send at the close of each month to the session judge, that officer should not prepare his statement No. 1.

C.O. 22d Feby. 1833, No. 135.

6. Session judges are required, on first taking up a trial, carefully to compare the written charge on which the prisoner is committed, with the facts of the case as stated in the magistrate's roobakaree of commitment, and, in that stage of the proceedings, to cause the latter to rectify errors or supply omissions. When, therefore, it may be necessary to direct any alteration of the charge on which a prisoner may have been committed, the session judge will distinctly indicate, in his order to the magistrate, the specific heading and number under which the case should be included in his statement No. 1, part 1; and the session judge will postpone entering the case in his own statement No. 1, until he receives intelligence from the magistrate, of the order having been carried into execution.

C. O. 27th Novr. 1835, No. 185, W. P.
,, 14th Octr. 1836, No. 208, L. P.
,, 16th Decr. ,, ,, ,, W. P.
,, 30th Septr. ,, No. 205, L. P.

7. A case is to be considered as pending before the sessions court, from the date of the commitment, of which the magistrate is required to give immediate notice to the session judge. The case should be regularly entered in the calendar of postponed trials, until finally disposed of by an order for conviction or acquittal, or by a reference to the Nizamut Adawlut. The same rule will apply whether the decision of the case may have been delayed, in consequence of further proceedings having been called for, or owing to the session judge not having entered upon it, or not having had time, after commencement, to complete it before the close of the month, or by the operation of any other cause.

Columns 6 *and* 7.

8. Cases remanded for further investigation or from other cause, and the persons appertaining thereto, will be entered in these columns.

C. O. 24th Octr. 1834, No 152, L. P. & W. P.

9. Whenever a case originally referred to or called for by the Court, has been sent back to a session judge, he will report in the next letter submitting his monthly jail delivery statements, whether the further enquiry has been completed or not, and, if not, explain the causes which have prevented its completion; and he will continue to do so every month, until the further investigation has been completed, and the proceedings transmitted to the Court, which fact will also be duly noticed.

Session Judge's Statement No. 1—*Monthly and Annual.*

Columns 8 *and* 9.

10. Will be filled up in accordance with paragraph 16 of the magistrate's rules.

Column 10.

11. Will shew the aggregate of columns 3, 4, 5, 7 and 9.

Columns 11 *and* 12.

C. O 16th July 1830, No. 54, para. 19.
C. O. 20th July 1832, No. 111.

12. It has been determined that, under the spirit of the regulations in force, session judges are competent, under certain circumstances, to cancel commitments made by the magistrates of their respective zillahs; but they are required to use the greatest caution in exercising this power, and, on each occasion of having recourse to it, to submit an English report, detailing their reasons for following that course, to the Nizamut Adawlut.

Columns 13 *and* 14.

13. The entries in these columns should be made in accordance with the principle laid down in paragraph 9 of the rules applicable to the magistrate's statements.

Columns 15 *and* 16.

14. Cases regularly referred for the final orders of the Nizamut Adawlut, under the law, should be exhibited in these columns, but not those which may have been called for by the Court.

Columns 17 *and* 18.

15. The proper entries in these columns are sufficiently denoted by the headings.

C. O. 9th June 1837, No. 234, L. P.

16. Session judges will notice, under the head of "Remarks," whenever the number of persons acquitted may greatly exceed the number of persons convicted, adding a brief statement of the probable causes which may have conduced to such a result.

Columns 19 *and* 20.

17. The use of these columns is sufficiently indicated by the headings.

Session Judge's Statement No. 1—Monthly and Annual.

Column 21.

18. The principle laid down in paragraph 28 of the magistrate's rules will regulate the entries in this column.

Columns 22, 23 *and* 24.

19. The principle contained in paragraphs 29, 30 and 33, of the magistrate's rules, should be followed, so far as they are applicable, in filling up these columns.

PART II. UNDER TRIAL.

20. The entries under this head will, during the month and at the close, be governed by the principle laid down in paragraph 74 of the magistrate's rules.

PART III. CONVICTED AND SENTENCED.

21. The 1st and 2d of the items, in the detail of years, given in this part, are intended to provide for cases in which the session judge may direct an additional period of imprisonment, in lieu of corporal punishment, beyond the extreme limit of imprisonment which he is competent to award under the law.

22. The total of this part should correspond with the total of convictions in column 14, part 1.

PART IV.

23. In this part will be entered the total amount of fines imposed, under Regulation II. of 1834, during the period to which the statement has reference, and the whole amount of fines realized under the Regulation cited, in whatever month they may have been imposed.

PART V.

24. With the exception of abridging the headings, no alteration has been made in this statement.

C. O. 27th Nov. 1835, No. 185, W. P.
„ 15th Jan. 1836, No. 190, L. P.

25. The session judges, who have more than one magistrate or joint magistrate possessing separate jurisdiction, subject to their authority, will, with statement No. 1, which includes the commitments of all the lower tribunals, send a separate statement for each magistracy or joint magistracy, in order that, in the event of any

discrepancy, it may readily be traced to the zillah in which it occurred, and by a reference to the proceedings of that district be immediately corrected.

SESSION JUDGE'S STATEMENT No. II.

Monthly and Annual.

PARTS I. and II.

26. The entries in these parts will be governed by the principle laid down in paragraphs 61 and 62 of the magistrate's rules.

SESSION JUDGE'S STATEMENT No. III.

Monthly and Annual.

PART I.

27. This part will be filled up monthly and annually.

PART II.

28. It will not be necessary to fill up this part in submitting the annual statements, but the information indicated by the headings should be given every month, and the number of persons should correspond with the number shewn in part I.

SESSION JUDGE'S STATEMENT No. IV.

Monthly and Annual.

Columns 3 *and* 10.

29. Columns 3 and 10 should furnish a record of all appeals from orders of magistrates, passed in criminal cases, in which the defendants may have been summoned or apprehended, and which have been entered by that officer in the current or preceding month's statement No. I.

Session Judge's Statement No. 6—Monthly.

Columns 11 *to* 18.

30. These columns will be appropriated to the exhibition of appeals of every description from orders of the magistrates, which under the law are cognizable by session judges, comprehending all cases not susceptible of entry in the magistrate's statement No. 1.

SESSION JUDGE'S STATEMENT No. V.

MONTHLY AND ANNUAL.

Abstract of Session Operations.

31. The statement supersedes the memorandum contained in the letter reporting the close of sessions. The entries in the first column will represent the number of cases on the file of the sessions court in the course of the month, the number decided during that period, and number pending at its close. The entries in column 2 will correspond with the aggregate of columns 3 and 4, the totals of columns 5, 7, 9, 10, 12, 14, 16, 18 to 21, and the aggregate of columns 23 and 24 of statement No. 1, part 1, and the total of column 3, with the aggregate of columns 2 and 3, heading No. 5, statement No. 1, part 2.

SESSION JUDGE'S STATEMENT No. VI.

MONTHLY.

Column 1.—*Prisoners punished without reference to the Nizamut Adawlut.*

32. This statement, with the exception of columns 1 and 3, which have now been added, is the same as that which has hitherto been in use. The object of column 1, (the numbers entered in which should represent the numerical order in which the trials were decided at any given jail delivery,) is to enable the court to identify a case in statements Nos. 6 and 7, in which some of the prisoners may have been convicted and others acquitted or referred: the number borne by any case of this mixed character will, accordingly, be the same in each of the statements.

Session Judge's Statement No. 7—Monthly.

Column 2.

33. In column 2 should be inserted the number borne by the prisoner in the session judge's record of trial, and, being intended more precisely to indicate the individual regarding whom explanation may be required by the superior Court, on inspection of the statement, or whose cases may be called for, the greatest accuracy is essential in the entries of this column.

Column 3.

34. Column 3 is inserted for the purpose of tracing the case in the session judge's statement No. 1: accordingly, the number entered in this column will correspond with the number of the offence under which the prisoners may have been brought on in statement No. 1. The total number of persons shewn in this statement should correspond with the number entered in column 14 of the session judge's No. 1.

SESSION JUDGE'S STATEMENT No. VII.

MONTHLY.

Columns 1 *to* 3.—*Criminal Trials regularly referred to the Nizamut Adawlut.*

35. The remarks contained in the preceding paragraphs apply to the first three columns of this statement also. Those cases alone, in which the session judges are not competent under the law to pass a final sentence, but are required to submit the case for the final orders of the Nizamut Adawlut, are to be entered in this statement. Cases which may be called for by the Court on inspection of the monthly returns, or on the presentation of a petition, will not be entered in this statement.

Columns 15 *and* 16.

36. The final roobakaree of the trial of a case should invariably record the order for referring the case to the superior Court; and the date of such roobakaree should be entered in the first of these two columns; and in the second should be entered the date of the letter which accompanies the reference to the Nizamut Adawlut.

C. O. 21st Novr. 1834, No. 154. L. P.
6th Feby. 1835, „ W. P.

37. Session judges will enter the particulars in the first 16 columns of this statement, and leave the remaining columns to be filled up in the office of the Nizamut Adawlut.

Session Judge's Statement No. 9—Monthly.

SESSION JUDGE'S STATEMENT No. VIII.

MONTHLY.

Prisoners acquitted by the Session Judge.

38. The principles contained in paragraphs 32, 33, and 34, apply equally to the first three columns of this statement, the total number of persons exhibited in which should correspond with the total of column 18 of session judge's statement No. 1, part 1.

C. O. 12th Feby, 1836, No 193, L. & W. P.

39. Instances having occurred of functionaries in charge of the office of the session judge, forwarding statements of prisoners punished without reference, or acquitted by the session judge, with the column of "explanation and remarks" blank, in consequence of the absence of the session judge on leave; the Court direct that the session judges will in all possible cases prepare the statements before they avail themselves of their leave, or furnish the officer in charge with a certificate of the cause of their inability to do so, to be submitted with the statements.

SESSION JUDGE'S STATEMENT No. IX.

MONTHLY.

Cases called for by the Nizamut Adawlut.

40. In this statement will be entered all cases submitted to the Nizamut Adawlut in conformity to special calls made for their transmission, as distinguished from such cases as are regularly referred under the law, which are entered in statement No. 7.

41. The principles contained in paragraphs 32, 33, and 34, have application to columns 1 to 3 of this statement likewise. Columns 1 to 17 will be filled up by the session judge, and the remaining columns in the office of the Nizamut Adawlut.

Column 16.

C. O. No. 203, dated 16th Sept. 1836, L. P.

42. In filling up this column, the session judge will be careful to distinguish between calls made by letter and those made by precept, thus :

By letter dated 9th September 1839, No. 1760.
By precept dated 10th September 1839, No. 602.

Session Judge's Statement No. 12—Annual.

SESSION JUDGE'S STATEMENT No. X.

MONTHLY.

Postponed Trials.

43. All trials in which the final sentence has not been passed up to the close of the month, should be entered in this statement, under the rule laid down in paragraph 7. Such entry should be regularly repeated until they may have been finally disposed of by an order for conviction or acquittal, or by a reference to the Nizamut Adawlut. The total number of persons, as shewn in this statement, should correspond with the total number contained in columns 23 and 24 of the session judge's statement No. 1, part 1, and with heading 3, columns 2 and 3, part 2, of the same statement, and with the total of column 3 of the magistrate's statement No. 3, part 1.

C. O. 9th June 1837, No. 234, L. P.

44. The session judge will annex his remarks, explanatory of any delay that may have occurred in disposing of the commitments.

C. O. 18th Jany. 1833, No. 132.
„ 30th Septr. 1836, No 205, L. P.

45. It being necessary to provide against the prolonged confinement of prisoners, in cases postponed by session judges, and also to afford sufficient time to procure the attendance of the necessary witnesses, the Court direct that no criminal trial shall be postponed by a session judge beyond the session of jail delivery which may be held next after the expiration of the period of six months, from the date of commitment, except when, for special reasons, the session judge may be of opinion that it should be again postponed, when he will report the circumstances under which it has already been postponed, and the grounds on which he has formed his opinion, for the orders of the Court.

SESSION JUDGE'S STATEMENT No. XI.

ANNUAL.

46. This statement is the same as that which has hitherto been in use, and calls for no remark.

SESSION JUDGE'S STATEMENT No. XII.

ANNUAL.

47. In this statement will be entered all cases recorded as disposed of in statement No. 3, but not the appeals from the magistrate and his subordinates. The headings

of the several columns sufficiently indicate their application, and render any rules unnecessary.

SESSION JUDGE'S STATEMENT No. XIII.

Annual.

48. This new statement is intended to exhibit the principle of selection of individuals to act as jury or assessors, under Regulation VI. of 1832, in the conduct of criminal trials, by a reference to the rank, profession, and other similar particulars, of persons so selected, calculated to illustrate the working of the system, and the degree of success attending the practical application of the law.

SESSION JUDGE'S STATEMENT No. IX, A.

Monthly and Annual.

49. Session Judges with more than one magistrate subordinate to them, will embody the information in the several returns No. 9, of the magistrates, in the form given in statement No. 9 A, for submission to the Nizamut Adawlut; and session judges with only one magistrate under them, will require that officer to submit two copies of No. 9, one of which will be recorded in the sessions court and the other submitted to the Court.

GENERAL REMARKS.

C. O. 15th Jany 1836, No. 190, L., P.
15th July 1836, No. 201, W. P.

50. It is incumbent on session judges carefully and promptly to revise the statements submitted to them by the magistrates, and immediately to notice any irregularity or excess of power exhibited in those returns, calling for, and demanding, explanations when necessary, and pointing out any errors that may be apparent in them ; and in forwarding the explanations of the magistrates or joint magistrates, session judges must invariably state whether they consider them to be sufficient or otherwise.

General Remarks.

51. In regard to the statements submitted to the Nizamut Adawlut through the session judges, those officers should not consider themselves as merely the channe of transmission. The statements, after revision, should not only convey the necessary local information, but afford proof of the revising officer's attention having been vigilantly directed to the proper use of the information so supplied, which consists in the timely notice of those errors or excesses of authority that it may bring to light; and the Court request, therefore, that the session judges will note upon the statements any orders they may have issued in regard to them, and submit copies of any correspondence which may have taken place with the magistrate or joint magistrate on the subject.

C. O. 9th June 1837, No 234, L. P.

52. If session judges do not act thus, they not only fail to discharge the functions belonging to their office, to the detriment of their local utility in controlling the magistrates; but the correction of the errors is retarded until the inspection of the statements by the Nizamut Adawlut, and until the issue and transmission of the orders required on them. The time and attention of the Nizamut Adawlut are thus occupied by topics which, though in themselves of high importance, can be more effectually treated and disposed of by the local authorities.

C. O. 27th Nov. 1835, No. 185, para. 14, W. P.

53. Session judges will take measures to secure the punctual despatch of the statements at the prescribed periods: the main object of reports of this nature is defeated by their not being submitted to the authority by whom they are to be revised, immediately after the close of the period to which they refer; and it is expected that in future the monthly and half yearly statements will be submitted within 15 days after they have become due (vide paragraph 5 of the magistrate's rules) and the annual ones on or before the 1st of February of each year.

54. In submitting their monthly statements, the session judges will continue to accompany them with a letter reporting the close of the session, in the form given below, which, with a slight modification is the same as the one heretofore in use. The information formerly contained in the memorandum appended to the letter, being now furnished in statement No. 5, will be omitted here.

General Remarks.

No.

To

Register of the Court of Nizamut Adawlut, Lower (or North Western) Provinces.

SIR,

I have the honor to report, for the information of the Court of Nizamut Adawlut, that I held sittings in the sessions court on the 10th, 11th, 18th, 24th, 25th, 26th, 27th, 28th, and 29th, a period of 9 days of the month of ———— 184–, during which time I examined 83 persons, and to submit the following statements connected therewith.

No. 1 to 5, Statement of persons brought to trial, detained on requisition of security, appeals, &c.

„ 6. Statement of prisoners punished without reference.

„ 7. Register of criminal trials referred to the Nizamut Adawlut.

„ 8. Statement of prisoners acquitted by the session judge.

„ 9. Register of criminal trials, for the submission of which to the Nizamut Adawlut orders have been received during the month.

„ 10. Calendar of trials postponed.

Roobakarees of the magistrate and futwas of the law officers, or verdict of assessors or jurors.

I have the honor to be,

Sir,

Your most obedient servant,

OFFICE OF SESSIONS JUDGE,
ZILLAH ————————
The ———— 184–.

Session Judge.

MAGISTRATE'S STATEMENT No. I.

MONTHLY AND ANNUAL.

PART I.

Officers Employed.

1. UNDER this head should be entered the name of the officer employed and his official designation, and, if any changes have taken place, the date of each officer's entering on office, and the date of his delivering over charge.

2. Each such change should be immediately reported direct to the Nizamut Adawlut, by the magistrate or joint magistrate delivering over and receiving charge; and the magistrate will, in like manner, report the occurrence of all such changes among his assistants.

C. O. 5th Decr. 1834, 7th Novr. 1834, 23d Jany. 1835, No. 157.

3. A copy of the order under which an officer may deliver over charge of his office, need not accompany the report; but the authority for so doing, the date of order, and the nature of the power vested in the relieving officer, should be stated in the report.

C. O. 25th Sept. 1835, No. 179.

4. Magistrates and joint magistrates, on delivering over charge of their offices, are required to furnish the relieving officer with a list of all unanswered letters, and of all periodical reports and statements which, having become due, have not been forwarded to the Court. A certificate of this list having been severally given and received, will accompany the report required by paragraph 2.

5. Periodical reports and statements are to be considered as due immediately on the expiration of the month, quarter, half year, or year, to which they relate.

Description of Crimes.

6. The Court have had frequent occasion to notice the loose and immethodical manner in which magistrates enter an offender in this statement. Instead of recording

him under the heading provided for his offence by the statement, he is frequently entered under a new head introduced into the miscellaneous class, in terms unnecessarily detailed. For example, the designation "killing by shooting with a matchlock with previous intent to kill," is perhaps resorted to, when the term "wilful murder" both represents the offence with greater accuracy and precision, and is more consonant with usage. By increased attention to the systematic classification of offenders, with reference to the offences with which they stand charged, the Court are of opinion that the catalogue of miscellaneous offences is susceptible of being much reduced.

7. From the vague and ill expressed wording of the headings meant to designate miscellaneous offences, it is moreover apprehended that these entries are often the result of a *merely literal* translation from the Urdu catalogue of offences made in the office of the magistrate, who ought, however, to satisfy himself that such translations represent the offences in an idiomatic and intelligible way.

8. It not unfrequently happens that a party, brought before the magistrate for a particular offence, on investigation by that officer, is ascertained to have been guilty of another of a graver character on which the magistrate convicts or commits him; but there does not appear to be any uniform and fixed principle of entering such cases in the periodical statements. To supply this defect the Court of Nizamut Adawlut are pleased to direct that the statements shall be prepared in accordance with the following rules.

9. When, out of several individuals apprehended and sent in, in any one case, some are convicted or committed for various offences, and some are acquitted, the whole of the prisoners implicated in the case should be entered in the 10th and preceding columns, under the heading which designates the gravest offence for which one or more of them may have been sent in; the acquittals being noted in column 13 under that offence, and the convictions in column 11 under the lesser offence or offences of which they may be respectively found guilty by the magistrate, a note being alse furnished under the head of "remarks," indicating the particular heading under which the offender originally appeared, and the commitments in column 12 under the gravest crime for which it may be thought proper to commit one or more individuals in the case.

10. In like manner, when one or more offenders stand charged with more than one offence partaking of the same character, they should be entered in the 10th and preceding columns under the graver offence, regard being had to the rule contained in paragraph 9, concerning the mode of exhibiting them after disposal.

Magistrate's Statement No. 1—Monthly and Annual.

11. When one or more persons are concerned in two or more cases of different characters, they will be entered in the 10th and preceding columns, under the distinct headings applicable to such cases, the mode of entering them after disposal being the same as that indicated in paragraph 9.

12. When the crime in all the cases is identical, the number of entries of the persons will correspond with the number of cases.

Column 2.—Number of Crimes ascertained to have been committed.

C. O. 13th Novr. 8th Decr } 1837, No. 249.

C. O. 15th Augt. 1809, No. 54

13. In this column should be included the whole of the crimes ascertained to have been committed during the period to which the statement relates, whether the offenders have been apprehended or not; and magistrates are not to confine themselves for information on this point to the reports of their police officers, but ought to acquire a more accurate knowledge from other channels; and landholders and farmers and their local agents should especially be encouraged to furnish immediate intelligence of all heinous crimes committed within the limits of their respective estates and farms.

Columns 3, 4, and 5.—Under trial at the commencement of the month or year.

14. These columns should exactly correspond in details and totals with columns 17, 18, and 19, respectively, of the statement for the period preceding that reported upon.

Columns 6 and 7—No. of cases and persons brought to trial.

15. In these columns should be entered all cases of complaint lodged in the magistrate's court during the period embraced by the statement, whether the individuals concerned may have been under personal restraint, held to bail, at large on their own recognizance, or merely attending on summons; and the total of column 7 should correspond with the third or total column of statement No. 1, part 2.

Columns 8 and 9.—Received by transfer.

16. These columns should exhibit such cases and prisoners as may have been made over by the authority of another jurisdiction or power, to the magistrate, for disposal; and in the "remarks" the names of the districts, jurisdictions, or powers, should be care-

fully noted, to enable the Court to ascertain that they have been correctly entered in the statements of the transferring district, if within the jurisdiction of the Court, or that the discrepancy may be accounted for if transmitted by an authority not under the control of the Court.

Column 10.—*Total number of persons under trial.*

17. The aggregate of columns 4, 5, 7, and 9, should be exhibited in this column.

Column 11.—*Convicted.*

18. In filling up this column, regard should be had to the rule contained in paragraph 9, whenever the same may be applicable.

Column 12.—*Committed.*

C. O. 27th Nov. 1835, No. 185, para. 7, W. P.
15 Jany. 1836, No. 190, „ 13, L. P.

19. The remark in the preceding paragraph applies to this column also. Some magistrates are in the habit of committing prisoners on a charge of "affray with murder;" but if the offence be attended by any aggravating circumstances, rendering it doubtful whether the killing did not amount to murder, the commitment should be for "murder," the charge of "affray with homicide" furnishing a second count.

C. O. 15th April 1836, No. 196, L. P.
27th May 1836, No. 199, W. P
8th July 1836, No. 200, L. P.

20. Others, again, enter cases of "killing thieves" in the detail of heading 41 (miscellaneous of the former statement.) Such cases, however, except when accompanied by aggravating circumstances warranting a commitment for murder, (in which event a note should be given under the head of "remarks," stating that the party killed was a thief, slain in the act of commiting a burglary, or theft, as the case may be,) should be entered under the 5th heading or "culpable homicide."

C. O. 16th July 1830, No. 54, para. 16.

21. Where there is any doubt as to whether the accused is guilty of a higher or lower grade of an offence of the same character, the commitment should be for the higher grade. Thus if it be doubtful from the evidence before the magistrate whether the offence amounts to murder or only to culpable homicide, the commitment should be for murder. On the other hand, where a doubt exists as to whether a commitment should be made for knowingly receiving plundered property or for the actual robbery, the prisoner should be committed on both counts, and entered under the heading of the more heinous charge of robbery.

Magistrate's Statemcnt No. 1—*Monthly and Annual.*

C. O. 22d June 1832, No. 109, L. P. and W. P.
27th Novr. 1835, No. 185, W. P para. 2.
15th Jany. 1836, No. 190, L. P. para. 8.

22. Magistrates are required, whenever they may commit a prisoner for trial, immediately to intimate the same to the session judge; and the observance of this rule, the Court remark, is of importance, as it is calculated to ensure uniformity between the magistrate's statement No. 1, and the session judge's No. 1 (submitted to the Nizamut Adawlut.) The roobakaree containing this information, which should be written and despatched as soon as the commitment has been made, should specify the precise charge on which the prisoner or prisoners have been committed, the number that the offence bears in the statement, and an abstract of the grounds of the commitment.

C. O. 27th Novr. 1835, No. 185, para. 3
15th Jany. 1836, No. 190, para. 9.

23. Should the session judge see reason to direct any alteration of the charge on which a prisoner may have been committed, he will distinctly state in his order the heading and number under which the case should be included in the statement; to which order the magistrate will conform, by removing the prisoner from the heading under which he was originally committed in column 12, and entering him in the same column under the heading indicated by the session judge; but no alteration must be made in any of the other columns. The magistrate will give immediate notice to the session judge that he has carried the order into execution.

C. O. 27th Novr. 1835, No. 185, para. 4.
15th Jany. 1836, No. 190, para. 10.

24. On the 1st of every month the magistrate or joint magistrate will send a roobakaree to the session judge, certifying whether any and what new commitments or modifications of former ones have been made in the month just closed, subsequent to those of which previous intimation had been given.

Column 13.—*Acquitted.*

25. The rule contained in paragraph 9, in regard to acquittals, should be observed in making the entries in this column.

Cases of zumeendars and other landholders, burkundazes, chowkeedars, and other officers of police, who may have been summoned to the sudder station to answer for neglect of duty, and discharged after admonition, as well as those of persons released on moochulka when not convicted of any specific offence, shall be entered under the head "acquitted," a note being added in the "remarks" to distinguish the number of prisoners so discharged, from those who may have been otherwise acquitted.

Magistrate's Statement No. 1—Monthly and Annual.

Column 14.—*Died.*

C. O. 15th Jany. 1836, No. 190
15th July 1836, No. 201.

26. The deaths of such offenders as may die prior to a sentence being passed in their cases, are to be recorded in this column, under the heading designating the crimes with which they stood respectively charged.

Column 15.—*Escaped.*

27. Prisoners who may have effected their escape, as well as offenders who, being at large on bail, recognizance, or under summons, may have absconded prior to the decision of their cases, should be entered in this column under the heading appropriated to the crimes with which they were respectively charged.

Column 16.—*Transferred.*

28. Prisoners apprehended in the district and made over for trial to another district or authority, whether within the jurisdiction of the Nizamut Adawlut or beyond its control, should be entered in this column, and the names of the districts or authorities, to whom they have been transferred for trial, should be carefully noted in the remarks, to enable the Court to ascertain that such offenders have been duly accounted for in the statement of the receiving authority, if under the control of the Nizamut Adawlut, or, if not subordinate to the Court, that the cause of the discrepancy necessarily arising, may be apparent.

Column 17.—*Cases under Trial at the close of the month or year.*

29. Cases of every description which may be pending at the close of the month or year, should be exhibited in this column.

Column 18.—*Prisoners in Jail at the close of the month or year.*

30. The number of prisoners in duress at the close of the month, whose cases were still pending, is to be shown in this column. The total however will not invariably represent the actual number of prisoners in confinement, (which will be shown in part 8,) but may frequently be in excess of that number in consequence of one or more prisoners being implicated in more than one case.

Magistrate's Statement No. 1—Monthly and Annual.

C. O. 15th Jany. 1836, No. 190, L. P. para 21. 15th July 1836, No. 201, W. P. para. 6

31. When the true number of prisoners under trial in jail, as shewn in part 8, statement No. 1, may exceed 50, an explanation of the cause should be given under the head of "remarks."

C. O. 10th Jany. 1823, No. 272.

32. In all complaints for offences which are clearly bailable, the magistrate is required to apprise the party that security will be received for his appearance, and at the same time to state the amount; and whenever any persons charged with bailable offences are detained in jail, the grounds of their detention should be stated under the head of "remarks."

Column 19.—Persons on Bail at the close of the month or year.

33. All persons whose cases were pending at the close of the period reported on, whether the individuals had been released on bail or personal recognizance, or were simply attending on summons, are to be entered in this column. The nominal excess, noticed in paragraph 30, may frequently occur here also. Persons who have given bail or moochulka to keep the peace, or to refrain from any act, in cases finally disposed of, are not to be entered in this column.

C. O. 15th Jany. 1836, No. 190, L. P. para. 22. 15th July 1836, No. 201, W. P. para. 7.

34. Magistrates will submit explanations whenever the real number of persons in attendance to answer charges on bail, moochulka, or summons, as shown in part 8, statement No. 1, may exceed 100.

General Remarks.

35. It will be observed that the aggregate of columns 11 to 16 and columns 18 and 19 will correspond with the total in column 10 as regards each crime, except where persons, having been charged with one offence and convicted or committed on another, are transferred under the rule contained in paragraph 9; but the aggregate of columns 4, 5, 7, and 9, must always correspond with the grand total of column 10.

36. Complaints by petition, rejected, on whatever grounds, by the magistrate, without apprehending or summoning the party complained against, will not enter into this part.

Magistrate's Statement No. 1—Monthly and Annual.

PART II.

Column 1.—Apprehended and Summoned by the Police Officers.

37. The first column of this part should exhibit the total number of persons apprehended and sent in by the police officers, or from whom bail may have been taken by them of their own authority.

Column 2.—By the Magistrate and his Subordinates.

38. All persons attending on summons before the magistrate or his subordinates, as also such persons as the police officers may have been ordered to send in, in consequence of information received by the magistrate independently of those officers' reports, (in which latter case a note to that effect should be furnished in the column of "remarks,") should appear in this column.

Column 3.—Total of apprehensions and attendances on Summons.

39. This column should exhibit the total of the two preceding columns, and should correspond with the grand total of column 7, part I.

PART III.

C. O. 15th Novr. 1837, No. 2, W. P.

40. The object of this part is to enable the magistrates and the superior courts to exercise a more efficient supervision and control over the proceedings of the police officers, in the performance of the very important duty entrusted to them, of taking cognizance of criminal offences, to which subject the Court request the particular attention of the officers concerned.

Heading 1.—Apprehended at the Thannah.

41. Under this heading should be shewn the total of all offenders apprehended at the thannah.

Headings 2, 3, 4, and 5.

42. The details of these headings sufficiently indicate what they are severally intended to represent; their aggregate should correspond with the number under the 1st heading of this part, and the aggregate of headings 2 to 4 with the 1st column of part II.

Magistrate's Statement No. 1—Monthly and Annual.

PART IV.

43. The object of this part is to shew the quantity of work performed by each grade of officers. The total of column 2 will correspond with the aggregate of columns 11, 12, and 13, part 1.

Column 1.—*Cases disposed of.*

44. The number of cases in which the persons entered in columns 11, 12, and 13, of part 1, were implicated, should be distributed among the several grades of officers enumerated, in the proportion of their decisions, being entered under their respective designations in this column.

Column 2.—*Persons disposed of.*

45. A similar distribution to that prescribed in the preceding paragraph should be made of the persons contained in columns 11, 12, and 13, and entered in column 2.

PART V.

Section 1.

46. The total of column 1 should correspond with the total of column 17, part 1; the total of column 2 with the total of column 18, part 1; and the total of column 5 with the total of column 19, part 1.

Section 2.

47. In this section, to which the above rules apply in every respect, should be entered a distribution, with reference to time, of the whole of the cases and persons contained in the 1st section, the totals of the two sections coinciding with each other.

C. O. 7th Octr. 1836, No. 206, para. 3
C. O. 9th June 1837, No. 234, „ 4 L. P.

48. The magistrate will always explain briefly, under the heading of "remarks," the causes of delay in disposing of the cases of such of those as may have been in any of the above predicaments for a period exceeding 3 months.

Magistrate's Statement No 1—Monthly and Annual.

PART VI.

Convictions.

Columns 1 and 2—2 to 3 years.

49. Persons who may have been sentenced to additional imprisonment above 2 years, in lieu of corporal punishment, should be entered in these columns.

Columns 3 to 5—below 2 years.
Column 7—Security.
Column 8—Dismissed from Office.
Column 9—Flogged.

50. The use of these columns being sufficiently indicated by their respective headings, no remarks appear to be called for.

Column 6—Fined.

51. Prisoners sentenced to fine only, without any additional punishment, should be exhibited in this column. Those in whose cases the fine forms only a part of the punishment, are not intended to be inserted here.

Column 10.—Total of Convictions.

52. The several totals comprised in this column should denote the number of persons convicted and punished by each grade of officers, and should correspond with the aggregates of columns 1 to 9 in detail; and the grand total of this column should correspond with column 11, part 1.

Columns 11 to 14.—Details of Acquittals.

53. The headings of these columns being sufficiently indicative of their use, no directions are necessary.

Column 15.—Total of Acquittals.

54. The aggregates of columns 11 to 14 as respects each grade of officers, should correspond with the totals in column 15, the grand total of which should coincide with the total of column 13, part 1.

Magistrate's Statement No. 1—Monthly and Annual.

PART VII.

Columns 1 *to* 12.—*The number of persons fined and the amount of fines.*

55. The headings of these columns afford sufficient directions for filling them up.

Columns 13 *and* 14.—*Total of persons fined and the amount of fines.*

56. The aggregates of columns 1 to 11, and 2 to 12, should correspond, as regards each grade of officers, and also in total, with columns 13 and 14, respectively, of this part.

Column 15.—*Amount realized.*

57. In this column should be entered the amount of fines realized from the persons entered in column 13, and, supposing the whole amount imposed to be realized, its total should correspond with the total of column 14.

Columns 16 *and* 17.—*Fines imposed in addition to other punishment. Amount realized.*

58. All fines imposed as an additional punishment, together with such portion thereof as may have been realized during the period embraced in the statement, should be severally exhibited in these columns.

PART VIII.

Column 1.—*Under trial during and at the close of the month.*

59. Under this head, in the appropriate columns, should appear the number of males and females who have been brought before the magistrate during the month, and those whose cases were still pending at the close of the period, the total corresponding with the total of column 10, part 1, which number, minus the number of persons who may have been repeated in consequence of being implicated in more than one case, will shew the true number of individuals brought up before the magistrate during the period, and

those whose cases were pending at the close of the period. For example, suppose there were

	Under trial during the month.	Under trial at the close of the month.	
		In jail	On bail
Males,.....	20	25	10
Females,.....	10	4	1
Corresponding with columns 10 and 18 and 19, part 1....	30	29	11
Implicated in more than one offence, ...	3	4	2
The actual number of persons,.....	27	25	9
Males,.....	24	24	7
Females,.....	3	1	2
	27	25	9

Columns 2 *and* 3.—*Under trial at close.*

60. These columns will be filled up on a similar principle to that which is declared applicable to column 1.

MAGISTRATE'S STATEMENT No. II.

Monthly and Annual.

PART I.

61. In this part should be entered, under the same rules as are prescribed for part 1 of statement No. 1, every description of crime not enumerated in the catalogue given in that part, for which no specific heading is provided, such, for example, as sodomy; assaults not attended with wounding or personal injury; inconsiderable affrays,

Magistrate's Statement No. 2—Monthly and Annual.

i. e. affrays not attended with violent breach of the peace; vagrancy; trespass, &c. &c. The letters of the alphabet in the usual consecutive order should be prefixed to these entries in the "index" column, and the totals of the several columns should be transferred to their corresponding columns in Statement No. 1, part 1, heading 41.

PART II.

62. Attempts to commit crimes of whatsoever description, both those included under the first 40 headings of statement No. 1, part 1, and those entered in part 1, of this statement, (the aggregate of which is shewn under heading 41,) should be exhibited in part 2, the former being distinguished by the same numbers as are severally borne by those headings; thus to "attempt at burglary with wounding," No. 17 should be prefixed;—to "attempt at theft by administering dhutoora," No. 22, &c. &c. The totals of the columns in this part will, in like manner, be transferred to statement No. 1, part 1, heading 42.

PART III.

Columns 1, 2, *and* 3.

63. These columns are intended to shew the disposition of the prisoners on the date at which the statement closed, in the several proportions in which they slept within the walls of the jail, or in hospital, or on the roads on that date.

Column 4.

64. Prisoners sent by the magistrate to other districts, but intelligence of whose arrival at their place of destination may not have reached him at the period of the statement being closed, are to be entered in this column under headings 1 or 2, as the case may be.

Column 5.

65. This column will be the aggregate of columns 1 to 4, and will shew the total number of prisoners in the actual charge of the magistrate, whether appertaining to his own or other zillahs.

Column 6.

C. O No. 40 20th March 1840, W. P. para. 3.
" 3rd April 1840, L. P.

66. The magistrate shall only account for, and include in his monthly statements, such casualties as may occur among prisoners (whether of his own or other districts) *under his actual custody or charge.* Prisoners in progress to other districts, for work on the roads, or

for other reasons, shall be borne in the 4th column of this part of the statement for the district whence they are sent, until notification of their having reached their destination be received, when they will be struck off, and entered under the 1st heading (or prisoners of the district) in the 8th column of this part, and under the 2d heading (or prisoners from other districts) in the proper column of the statement of the district to which they may be detached. A similar rule will apply to such prisoners returning from detached duty; and on this principle, deaths happening among convicts in transit, either going or returning from detached duty, will be accounted for in the returns of the districts they are leaving; and, in respect both to casualties in transit and after arrival, the magistrate, to whose district the prisoners may be sent, on obtaining information thereof, will forward the warrant sent with the individuals so deceasing to the magistrate from whose district they came, endorsed with a certificate of death under his official seal and signature.

C. O. 24th Dec. 1835, No. 187, L & W. P.
,, 15th July 1836, No. 201, W. P.

67. Whenever the mortality may exceed one per cent. per mensem, the magistrate will require the medical officer in charge of the jail to put on record, in the column of remarks, his explanation of the cause of the excess, adding his own comments thereon; and, in cases of very extraordinary mortality, he will make a special report on the subject, for transmission to the Nizamut Adawlut through the session judge, who will append his own observations on the subject.

C. O. 9th June 1837, No. 234, L. P.

Column 7.

68. The principle of the rule contained in paragraph 69 will be applicable to the entry of prisoners in this column whenever the contingency of escape during transit may occur.

Column 8.

69. All convicts, whether belonging to the district to which the statement refers, or to other districts, who may have been sent from the former elsewhere, and notification of whose arrival at the place of destination may have been received, are to be included in this column, under the heading which may be applicable to their cases.

Column 9.

C. O. 6th March 1810, No. 66.

70. Convicts of all descriptions who may have been released, will be entered in this column, under the proper heading.

Magistrate's Statement No. 3—Monthly and Annual.

PART IV.

71. In this part will be entered persons confined in default of furnishing the security required by Regulation VIII. 1818.

PART V.

72. The names of persons who have been confined for a period exceeding three years, on requisition of security, should be entered in this part;—the date of the original or first requisition, the date of the last renewal of the order, and the designation of the revising authority, being inserted in the appropriate columns. The total number of persons exhibited in this part, should correspond with the number in the 7th column of part 4.

PART VI.

73. Persons who may be required to furnish security to keep the peace under Regulation IV. 1825, without any specific charge of a criminal nature having been preferred against them, are to be entered in this part with the particulars indicated by the headings of the several columns.

MAGISTRATE'S STATEMENT No. III.

Monthly and Annual.

PART I.

C. O. 20th June, 1839, No 27, W. P.

74. Herein will be entered all prisoners remaining in custody of the magistrate, whose cases were pending before the sessions court at the close of the period treated of; and the number shown in this statement will correspond with the session judge's statement No. 1, part 2, columns 2 and 3, heading 5.

PART II.

75. The detail of heading 1, part 1, ("in former months,") should be shown in this part; and the number shown in this statement should correspond with the session judge's statement No. 1, part 2, columns 2 and 3, heading 5, of the preceding month.

Magistrate's Statement No. 6—Monthly and Annual.

MAGISTRATE'S STATEMENT No. IV.

MONTHLY AND ANNUAL.

76. This statement is meant to shew the operation of Act IV. 1840; and magistrates should note, in the column of remarks, the number of suits which may have been pending more than a month, with an explanation of the cause of delay in their disposal.

MAGISTRATE'S STATEMENT No. V.

MONTHLY AND ANNUAL.

C. O. 15th Jan. 1836, No. 190, L. P.
15th July 1836, No. 201, W. P.

77. The object of this statement is to bring to the notice of the Court all regular criminal trials referred for their orders, the final sentence in which has not been received by the magistrate on the last day of the month. It should, therefore embrace all criminal cases, regularly tried by the session judges, (or commissioners in special cases,) the proceedings in which have been submitted to the Court, and the sentence in which had not been received on that day, whether the same have been regularly referred by the session judge, (or commissioner,) or called for by the Court on inspection of the jail delivery statements, or on petition; as well as cases of either description, which may have been sent back for further evidence or explanation.

78. In order to enable the magistrate to keep up this record with punctuality and regularity, he will receive notice from the session judge of his having referred the case to the Superior Court.

MAGISTRATE'S STATEMENT No. VI.

MONTHLY AND ANNUAL.

79. This statement will exhibit the whole of the work disposed of by the magistrate and his subordinates, during the period to which it refers, as also the quantity of business pending before each individual at the close thereof. Columns 1 to 4 will be restricted to the exhibition of cases which appear in the magistrate's statement No. 1, part 1; and the remaining columns will embrace all other cases. The aggregate of columns 1 and 3 will correspond with the total of column 1, part 4, of the magistrate's statement No. 1; and the aggregate of columns 2 and 4, with the total of column 5, part 5 of the same statement.

Magistrate's Statement No. 8—Annual.

MAGISTRATE'S REMARKS.

80. Under the head of "remarks," will be entered all observations and explanations, illustrative of the statements, which the magistrate may have occasion to make, or which may be required by the foregoing rules.

81. To facilitate reference, the numbers of the particular statement, part, heading, and column, respectively, to which the remarks may bear reference, should invariably be prefixed thereto.

MAGISTRATE'S STATEMENT No. VII.

ANNUAL.

82. The proportion of disposals by each officer should be given, and the totals of columns 2, 4 and 6, should correspond with the totals of columns 11, 12 and 13, of statement No. 1, part 1, and with the grand totals of columns 1 and 2, statement No. 1, part 4, respectively.

MAGISTRATE'S STATEMENT No. VIII.

ANNUAL.

83. It has been supposed by some magistrates that this statement should comprise a record of all their operations of every kind for the year; and accordingly the computation of the average time has been made to include proceedings from other zillahs and other miscellaneous applications and petitions; but this is an error. Cases in which the magistrate acts in his judicial, as distinct from his ministerial capacity, should alone form the subject of this statement; and no cases should appear in it which do not enter into statement No. 1, part 1, with which it should correspond.

84. Cases in which the agency of the police has been employed should be kept distinct from those in which the accused may have been summoned to appear by the magistrate.

General Rules.

MAGISTRATE'S STATEMENT No. IX.

MONTHLY AND ANNUAL.

85. The magistrate, or other officer in charge of the office of magistrate, will submit this statement, the nature of which is sufficiently indicated by the respective headings, to the session judge, at the close of each month and year, for transmission to the Nizamut Adawlut.

GENERAL RULES.

C. O. 7th July 1837, No. 235, L. P.

86. No alterations should on any account be made in any form directed by the Sudder Court to be used; and none but lithographed forms should be made use of, except with their express permission.

C. O. 9th June 1837, L. P., No. 234.
24th Feb. 1837, L. P., No. 224.

87. The monthly and half yearly statements will be submitted by magistrates and joint magistrates, in duplicate, within 10, and the annual, within 15 days after they become due, under paragraph 5, to the session judges, who will forward one copy to the Court.

C. O. 15th July 1836, No. 201, W. P.

88. The Court have observed that it is not unfrequently urged by the magistrates, that the occupation of their time, in more important duties, prevents the submission of these statements within the prescribed period; and from the terms of the remarks on some of the statements, the preparation of them would appear to be often left to clerks possessing but an imperfect knowledge of the English language. To ensure greater accuracy and punctuality in their despatch, the Court suggest that, where it may be practicable, the duty of superintending them be entrusted to a covenanted assistant, under of course the control and responsibility of the magistrate himself; and the duty, they conceive, might be considerably lightened by anticipating arrangements instead of being postponed to the last hour.

Session Judges' Statements.

SESSION JUDGE'S STATEMENTS.

No. 1.

Statement of Persons brought to Trial, Convicted, and Acquitted, and whose cases were Referred.

PART 1. Statement shewing the number of Persons brought to Trial, Convicted, Acquitted, and Referred to the Nizamut Adawlut by the Session Judge of Zillah ———— and those whose cases were pending at the close of ————

OFFICERS EMPLOYED AS SESSION JUDGE.

Mr. from to

Mr. from to

Mr. from to

Mr. from to

	DESCRIPTION OF CRIMES.	2	3.	4.	5	6.	7.	8	9	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21	22.	23.	24.
		Under trial at the close of ————			Persons committed during the ————	Received back after reference to the Nizamut Adawlut		Received by transfer.		Total of persons under trial	Commitments cancelled.		Convicted and punished.		Referred to the Nizt. Adawt.		Acquitted and discharged.		Died.	Escaped.	Transferred.	Under trial at the close of ————		
		Cases.	Prisoners in jail.	Prisoners on bail.		Cases.	Persons.	Cases.	Persons.		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.				Cases.	Persons in jail.	Persons on bail.
1	Murder, { By Thugs,																							
2	Murder, { On the river,																							
3	Murder, { Other cases,																							
4	Wounding with intent to murder,																							
5	Homicide, Culpable,																							
6	Dacoitee, { With murder,																							
7	Dacoitee, { With torture,																							
8	Dacoitee, { With wounding or personal injury,																							
9	Dacoitee, { Unattended with aggravating circumstances,																							
10	River Dacoity, { With murder,																							
11	River Dacoity, { With wounding or personal injury,																							
12	River Dacoity, { Unattended with aggravating circumstances,																							
13	Highway Robbery, { With murder,																							
14	Highway Robbery, { With wounding or personal injury,																							
15	Highway Robbery, { Unattended with aggravating circumstances,																							
16	Burglary, { With murder,																							
17	Burglary, { With wounding or personal injury,																							
18	Burglary, { Unattended with aggravating circumstances,																							
19	Theft, { With murder,																							
20	Theft, { ———— of children for their ornaments,																							
21	Theft, { With wounding or personal injury,																							
22	Theft, { By administering poisonous or stupifying drugs,																							
23	Theft, { Other cases,																							
24	Cattle Stealing, { With murder,																							
25	Cattle Stealing, { With wounding or personal injury,																							
26	Cattle Stealing, { Unattended with aggravating circumstances,																							
27	Child Stealing, { For the purpose of selling into Slavery,																							
28	Child Stealing, { For other illegal purposes,																							
29	Receiving stolen or plundered property knowingly.																							
30	Importation of Slaves, and sale or purchase of imported Slaves,																							
31	Affray, { With homicide,																							
32	Affray, { With violent breach of the peace,																							
33	Assaults with wounding or personal injury.																							
34	Arson,																							
35	Forgery or Uttering forged documents or papers,																							
36	Counterfeiting Coin or uttering base Coin,																							
37	Perjury and Subornation of Perjury,																							
38	Rape,																							
39	Adultery,																							
40	Suttee, aiding and abetting,																							
41	Crimes and offences not specified above,																							
42	Attempts to commit any of the above,																							
	Total, ...																							

REMARKS.

PART 2.

	Under trial at the close of the month.		Under trial during the month.				
	On bail.	In jail					
Males, ...							
Females, ...							
Corresponding with Cols 10 and 23 and 24, part 1, ...							
Implicated in more than one offence, ...							
The actual number of persons, ...							
Males, ...							
Females, ...							

PART 3.

Convicted and Sentenced.

To imprisonment for 16 years, ...	
15 ,, ...	
14 ,, ...	
13 ,, ...	
12 ,, ...	
11 ,, ...	
10 ,, ...	
9 ,, ...	
8 ,, ...	
7 ,, ...	
6 ,, ...	
5 ,, ...	
4 ,, ...	
3 ,, ...	
2 ,, ...	
1 year	
Less than 1 ,, ...	
Fined and Discharged	

PART 4.

Amount of fines imposed under Regulation II 1834, ...	
Amount realized, ,,	

PART 5. Of Criminal Cases tried with the assistance of Natives under Regulation VI. of 1832, or the Law Officer, decided during the ————

1.	2.	3.	4.	5.	6.	7.	8.	9.	10	11.	12.	13.
Cases tried with the assistance of a Punchayet.			Cases tried with the assistance of Assessors.			Cases tried with the assistance of a Jury.			Cases tried with the assistance of the Law Officer.			REMARKS.
Opinion given in accordance with the award.	Opinion given contrary to the award.	Total.	Opinion given in accordance with the opinion of Assessors.	Opinion given contrary to the opinion of Assessors.	Total.	Opinion given in accordance with the verdict.	Opinion given contrary to the verdict.	Total.	Opinion given in accordance with the Futwa	Opinion given contrary to the Futwa.	Total.	

No. 2.

Detail of Headings 41 *and* 42 *of the above Statement.*

PART 1. Detail of Heading No. 41, Statement No. 1, part 1.

INDEX.		2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.	
		Under trial at the close of ———			Persons committed during the ———	Received back after reference to the Nizamut Adawlut.		Received by transfer.		Total of persons under trial.	Commitments cancelled.		Convicted and punished.		Referred to the Nizt. Adawt.	Acquitted and discharged.		Died.	Escaped.	Transferred.	Under trial at the close of ———			
		Cases.	Prisoners in jail.	Persons on bail.		Cases.	Persons.	Cases.	Persons.		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.				Cases.	Prisoners in jail.	Persons on bail.	REMARKS.

PART 2. Attempts.

No. 3.

PART 1. Statement of Prisoners required to furnish Security for good conduct or to keep the peace, whose cases were revised by the Session Judge of ——— during ———

1.	2.	3.	4.	5.	6.
MAGISTRACY.	Prisoners whose cases have been revised.	Ordered to be released.		Ordered to remain in confinement until they find Security.	
		On Mochulka.	Without Mochulka.	Security reduced.	Security as before
Total, ...					

No 3.

PART 2. Calendar of Prisoners detained on requisition of Security for good conduct or to keep the Peace, in the Jail of Zillah ——— whose cases were revised by the Session Judge during the ——— 18

1.	2.	3.	4.	5.	6.	7.
Number.	Names of Prisoners.	Age.	Sex	Religion and Caste.	Date and grounds of the order of the Magistrate.	Date and substance of the order of the Session Judge.

No. 4.

Statement shewing the number of Appeals preferred from the orders of the Magistrates, Joint Magistrates, and Assistants with special powers, of Zillah ———— to the Session Judge, in Criminal Trials and in Proceedings other than Criminal Trials, during the ———— with the orders passed thereon.

1.	2	3.	4,	5.	6	7.	8.	9.	10.	11.	12	13	14.	15	16	17.	18.
		Appeals from orders passed in Criminal Trials.								Appeals from orders in Judicial proceedings other than Criminal Trials.							
Magistracy.	From the orders of the	Pending on the ———	Preferred during the ———	Total	Appeals rejected.	Order confirmed	Order modified or reversed.	Pending at the close of ———	Longest period during which any undecided case has been pending.	Pending on the ———	Preferred during the ———	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of ———	Longest period during which any undecided case has been pending.
	Magistrate, ...																
	Joint Magistrate, ...																
	Assistants with special powers, ...																
	Total, ...																
	Magistrate, ...																
	Joint Magistrate, ...																
	Assistants with special powers, ...																
	Total, ...																
	Magistrate, ...																
	Joint Magistrate, ...																
	Assistants with special powers, ...																
	Total, ...																

No. 5.

Abstract of Sessions Operations for the month of ———— 184—

		Number of Cases.	Nominal number of Persons.	True number of Persons.
1.	Pending on the ————			
2.	Committed in ————			
3.	Received back from Nizamut Adawlut,...			
4.	Received by transfer, ...			
5.	Total, ...			
6.	Commitments cancelled, ...			
7.	Punished without reference, ...			
8.	Referred to Nizamut Adawlut, ...			
9.	Acquitted, ...			
10.	Died, ...			
11.	Escaped, ...			
12.	Transferred, ...			
13.	Total, ...			
14.	Pending at the close of			

Session Judge's Office,
Zillah
The 184

Session Judge.

No. 6.

Abstract Statement of Prisoners punished without reference to the Nizamut Adawlut by the Session Judge of Zillah ——————— at the Jail Delivery for the month of ——————— 184—.

1.	2.	3.	4	5.	6	7	8.	9	10.	11.	12.	13.
Number of Case.	The numbers of the Prisoners.	Number of Crime corresponding with Statement No. 1.	Names of Prisoners.	Sex	Age.	Religion and Caste	Profession.	Crime charged when perpetrated, and name of committing officer	Crime established.	Convicted on violent presumption or on full legal proof	Sentence of the Session Judge, and when it was passed.	Explanation and Remarks.

SESSION JUDGE'S OFFICE,
Zillah
The 184

Session Judge.

No. 7.

Register of Criminal Trials referred to the Nizamut Adawlut at a Sessions of Jail Delivery of Zillah ——————— of ——————— in the month of ——————— 184—.

1	2.	3	4.	5.	6.	7.	8.	9.	10.	11.	12.	13	14.	15.	16.	17.	18.	19.	20	21.	22.	23.	24	25	26.
Number of Case.	Number of Prisoners.	Number of Crime corresponding with Statement No. 1.	Names of Prisoners.	Crime charged	Number of Case and Prisoners in the Magistrate's Calendar.		How tried; by Mahomedan Law, or with the aid of Punchayet, Assessors or Jury.	Crime established in the opinion of the Mahomedan Law Officer, Punchayet, Assessors or Jury.	Crime established in the opinion of the Session Judge, with his recommendation	Date of occurrence of Crime.	Date of apprehension of Prisoners.	Date of Commitments.	Date of commencement of trial	Date of conclusion of trial.	Date of reference to the Nizamut Adawlut.	Date of receipt of the record of the trial by the Nizamut Adawlut.	If postponed for further evidence.				Crime established in the opinion of the Nizamut Adawlut.	Sentence of the Nizamut Adawlut.		Date of sentence.	Date of issue of sentence.
																	Order by what Judge passed.	Date of order.	Date of issue of order.	Date of receipt of further evidence by Nizamut Adawlut.			By what Judge passed.		

SESSION JUDGE'S OFFICE,
Zillah
The 184

Session Judge.

No. 8.

Abstract Statement of Prisoners acquitted by the Session Judge of Zillah ——————— at the Jail Delivery for the Monthly Sessions of ——————— 184—.

1.	2	3	4	5	6.	7.	8.	9.	10.	11.	12.
Number of Case.	Number of Prisoners.	Number of Crime corresponding with Statement No. 1.	Names of Prisoners.	Sex	Age.	Religion and Caste.	Profession.	Crime charged and when alleged to have been Committed	Acquitted for want of proof of guilt, or on clear proof of innocence.	Sentence of the Session Judge, and when passed.	Explanation and Remarks.

SESSION JUDGE'S OFFICE,
Zillah
The 184

Session Judge.

No. 9.

Register of Criminal Trials called for by the Nizamut Adawlut, on perusal of the periodical Statements or on presentation of Appeal, from Zillah ———————— in the month of ———————— 18

1.	2	3.	4.	5.	6.	7.	8.	9.	10	11.	12	13.	14	15.	16.	17.	18.	19	20.	21.	22.	23.	24	25	26	27.
																		If postponed for further evidence.								
Number of Cases.	Number of Prisoners.	Number of Crime corresponding with Statement No. 1	Names of Prisoners.	Crime charged.	Number of Case and Prisoners in the Magistrate's Calendar.		How tried, by Mahomedan Law, or with the aid of Punchayet, Assessors or Jury	Crime established in the opinion of the Mahomedan Law Officer, Punchayet, Assessors or Jury.	Crime established in the opinion of the Session Judge with his sentence.	Date of occurrence of crime.	Date of apprehension of Prisoners.	Date of Commitment.	Date of commencement of Trial.	Date of conclusion of Trial.	Date of orders of Nizamut Adawlut calling for the Trial.	Date of despatch of the Trial to the Nizamut Adawlut.	Date of receipt of the record of the Trial by the Nizamut Adawlut.	Order by what Judge passed.	Date of order.	Date of issue of order.	Date of receipt of further evidence by Nizamut Adawlut.	Crime established in the opinion of the Nizamut Adawlut.	Sentence of the Nizamut Adawlut.	By what Judge passed.	Date of sentence.	Date of issue of sentence.
					Number.	Calendar.																				

SESSION JUDGE'S OFFICE,
Zillah
The 184

Session Judge.

No. 10.

Calendar of Trials postponed at the Jail Delivery of Zillah ———————— for the month of ———————— 184

1.	2.	3.		4.	5.	6.		7.	8.
Number of Prisoners.	Number of Crime corresponding with Statement No. 1.	Date of Commitment to the Sessions, and date proposed by the Magistrate for the attendance of parties.		Names of Prisoners.	Charge	Date fixed by Session Judge for attendance of parties, and date of arrival in his Court of parties, &c.		Grounds and date of postponement, or, if the Trial should not have been commenced upon, cause of delay on the part of the Session Judge in taking it up.	If decided since the close of the month to which the Statement refers, date of decision.
		Date of Commitment.	Date proposed by the Magistrate.			Date fixed by Session Judge.	Date on which the parties and mis| arrived in the Sessions Court.		

SESSION JUDGE'S OFFICE,
Zillah
The 184

Session Judge.

No. 11.

Annual Statement of Persons confined in the Jails of the several Zillahs of the ——— Division during the year 184—, on requisition of Security for good conduct or to keep the peace.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12	13.	Remarks.
Zillah.	Under the orders of the ——	In confinement on the 1st January 184 .	Ordered to furnish Security during the year.	Total.	Released during the year.				Transferred to other districts to give Security.	Died	Escaped	In confinement on the 31st December 184 .	
					On furnishing the required Security.	On furnishing reduced Security.	On Moochulka.	Unconditionally.					
	Total,...												

No. 12.

Statement of the average time occupied in the disposal of cases in the Sessions Court of Zillah —— during the ——— 184 .

1.	2.	3.	4	5.	6.
Number of Case.	Number of days between date of Commitment and date by the Magistrate for Trial.	Ditto between the date fixed by the Magistrate and the date on which the Trial commenced.	Ditto between the commencement and conclusion of the Trial.	Total number of days.	Remarks.
					The total of Col. 5 divided by the total of Col. 1 gives ——— days, the average time occupied by the disposal of each Case.
Total,...					

Session Judge.

No. 13.

Particulars regarding persons employed as Punchayet, Assessors and Jury under Regulation VI. of 1832, during the year 184— in the Sessions Court of Zillah ———

1.	2.	3.	4.	5.	6.	7.	8.	9.
Name.	Caste.	Residence	Occupation	Number of Cases in which employed during the year.	Number of findings acquiesced in by the Session Judge in full.	Number of findings acquiesced in by the Session Judge in part.	Number of findings differed from by the Session Judge.	Remarks.

Session Judge's Office,
Zillah
The 184 .

Session Judge.

No. 9 A.

Statement shewing the number of Appeals preferred from the orders of the Assistant to the Magistrate, Principal Sudder Ameen, Sudder Ameen and Law Officer of Zillah ———— to the Magistrate or other Officer exercising the powers of Magistrate, in Criminal Trials and in Proceedings other than Criminal Trials, during the ———— with the orders passed thereon.

1.	2.	3.	4	5.	6.	7.	8.	9.	10.	11.	12	13.	14.	15.	16.	17.
	Appeals from orders passed in Criminal Trials.								Appeal from orders in Judicial proceedings other than Criminal Trials							
From the orders of the	Pending on the ———	Preferred during the ———	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of ———	Longest period during which any undecided Case has been pending.	Pending on the ———	Preferred during the ———	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of ———	Longest period during which any undecided Case has been pending.
Assistant to the Magistrate, ...																
Principal Sudder Ameen, ...																
Sudder Ameen, ...																
Law Officer, ...																
Total, ...																
Assistant to the Magistrate, ...																
Principal Sudder Ameen, ...																
Sudder Ameen, ...																
Law Officer, ...																
Total, ...																
Assistant to the Magistrate, ...																
Principal Sudder Ameen, ...																
Sudder Ameen, ...																
Law Officer, ...																
Total, ...																

Session Judge.

Magistrates' Statements.

MAGISTRATE'S STATEMENTS.

No. 1.

PART 1. Statement of Crimes committed in Zillah ——— in the ——— and of the number of Persons under Trial, Convicted, and Acquitted before the Assistants, Principal Sudder Ameens and Sudder Ameens, and before the Magistrate and Joint Magistrate, the number Committed to take their Trial at the Sessions, and the number under Trial at the close of ———

OFFICERS EMPLOYED AS MAGISTRATES, JOINT MAGISTRATES AND ASSISTANTS.

Mr. from to

Mr. from to

Mr. from to

Mr. from to

	DESCRIPTION OF CRIMES.	2. No. of crimes ascertained to have been committed in ———	3. Under trial at the close of ——— Cases.	4. Under trial at the close of ——— Prisoners in Jail.	5. Under trial at the close of ——— Prisoners on Bail.	6. No. of cases and persons brought to trial during the ——— Cases.	7. No. of cases and persons brought to trial during the ——— Persons.	8. Received by Transfer. Cases.	9. Received by Transfer. Persons.	10. Total number of persons under trial.	11. Disposed of on trial. Convicted	12. Disposed of on trial. Committed.	13. Disposed of on trial. Acquitted.	14. Died.	15. Escaped.	16. Transferred.	17. Under trial at the close of ——— Cases.	18. Under trial at the close of ——— Prisoners in Jail.	19. Under trial at the close of ——— Prisoners on Bail.
1	Murder, By Thugs,																		
2	Murder, On the River,																		
3	Murder, Other cases,																		
4	Wounding with intent to murder,																		
5	Homicide Culpable,																		
6	Dacoitee, With murder,																		
7	Dacoitee, With torture,																		
8	Dacoitee, With wounding for personal injury,																		
9	Dacoitee, Unattended with aggravating circumstances,																		
10	River Dacoitee, With murder,																		
11	River Dacoitee, With wounding or personal injury,																		
12	River Dacoitee, Unattended with aggravating circumstances,																		
13	Highway Robbery, With murder,																		
14	Highway Robbery, With wounding or personal injury,																		
15	Highway Robbery, Unattended with aggravating circumstances,																		
16	Burglary, With murder,																		
17	Burglary, With wounding or personal injury,																		
18	Burglary, Unattended with aggravating circumstances,																		
19	Theft, With murder,																		
20	Theft, ——— of children for their ornaments,																		
21	Theft, With wounding or personal injury,																		
22	Theft, By administering poisonous or stupifying drugs,																		
23	Theft, Other cases,																		
24	Cattle stealing, With murder,																		
25	Cattle stealing, With wounding or personal injury,																		
26	Cattle stealing, Unattended with aggravating circumstances,																		
27	Child stealing, For the purpose of selling into Slavery,																		
28	Child stealing, For other illegal purposes,																		
29	Receiving stolen or plundered property knowingly,																		
30	Importation of Slaves, and sale or purchase of imported Slaves,																		
31	Affray, With homicide,																		
32	Affray, With violent breach of the peace,																		
33	Assaults, with wounding or personal injury,																		
34	Arson,																		
35	Forgery or uttering forged documents or papers,																		
36	Counterfeiting coin or uttering base coin,																		
37	Perjury and Subornation of Perjury,																		
38	Rape,																		
39	Adultery,																		
40	Suttee, aiding and abetting,																		
41	Crimes and offences not specified above,																		
42	Attempts to commit any of the above,																		
	Total,																		

PART 2. Number apprehended during the ——— or attending on summons, as per Column 7, Part 1.

By the Police Officers.	By the Magistrate and his subordinates.	Total.

PART 3. Number of persons apprehended, sent in, or released by the Police.

1. Total number of persons apprehended,	
2. Sent in by order of the Magistrate issued in consequence of the Police Officer's report,	
3. Sent in by the Police Officer of his own authority,	
4. Released on Bail,	
5. Released unconditionally,	
Total,	

PART 4. Details of Columns 11 to 13

	1. Disposed of: Cases.	2. Disposed of: Persons
Magistrate,		
Joint Magistrate,		
Assistant,		
Principal Sudder Ameen,		
Sudder Ameen,		
Law Officer, not being Sudder Ameen,		
Total,		

PART 5. Details of Columns 17, 18 and 19, Part 1.

	1. Col 17 Cases.	2. Col 18 In Jail.	Column 19: 3. On Bail.	4. On Recognizance.	5. Total.
Section 1st.					
Before the Magistrate,					
" Joint Magistrate,					
" Assistant,					
" Principal Sudder Ameen,					
" Sudder Ameen,					
" Law Officer, not being Sudder Ameen,					
Total,					
Section 2nd.					
Under trial since 18					
18					
18					
Total,					

PART 6. Details of Columns 11 and 13, Part 1.

	1. Detail of convictions. Above 3 years.	2. Above 2 years.	3. Above 1 year.	4. 6 months.	5. Less than 6 months.	6. Fined.	7. Security.	8. Dismissed from Office.	9. Flogged.	10. Total.	11. Detail of Acquittals. Default.	12. Compromise.	13. Recognizance.	14. Unconditional.	15. Total.
Magistrate,															
Joint Magistrate,															
Assistant,															
Principal Sudder Ameen,															
Sudder Ameen,															
Law Officer, not being Sudder Ameen,															
Total,															

PART 7. Details of Column 6, Part 6.

	1. 200 Rs Persons.	2. 200 Rs Amount.	3. Exceeding Rupees 100. Persons.	4. 100. Amount.	5. 50. Persons.	6. 50. Amount.	7. 25. Persons.	8. 25. Amount.	9. 10. Persons.	10. 10. Amount.	11. Under 10. Persons.	12. Under 10. Amount.	13. Total. Persons.	14. Total. Amount.	15. Amount Realized.	16. Fines imposed in addition to other punishment.	17. Amount Realized.

PART 8

Under trial at the close of the month. On Bail.

Under trial at the close of the month. In Jail.

Under trial during the month.

Males, ...

Females, ...

Corresponding with Columns 10 and 18 and 19, Part 1, } Implicated in more than one offence, ...

The actual number of persons, ...

Males, ...

Females, ...

No. 2.

Part 1. Detail of Heading No. 41, Statement No. 1, part 1.

Index.	Description of Crimes.	2. No. of crimes ascertained to have been committed in ———	3. Under trial at the close of ——— Cases.	4. Prisoners in Jail.	5 Persons on Bail	6. No. of cases and persons brought to trial during the ——— Cases.	7. Persons.	8. Received by Transfer. Cases.	9. Persons.	10. Total number of persons under trial	11. Disposed of on trial. Convicted.	12. Committed.	13. Acquitted.	14. Died.	15. Escaped.	16 Transferred.	17. Under trial at the close of ——— Cases.	18. Prisoners in Jail.	19. Persons on Bail.

Part 2. Attempts

Part 3. Disposal of the Prisoners and Casualties.

		1. Slept in Jail on the ———	2 Slept in Hospital on the ———	3. Slept on the roads on the ———	4. In transit on the ———	5. Total	6. Died.	7. Escaped.	8. Sent to other Districts	9. Released.	Remarks
1	Prisoners of the District, ...										
2	Prisoners from other Districts,.....										
	Total, ...										

Part 4. Persons in Custody in default of Security.

	1	2	3	4	5	6.	7.
For good conduct confined under the order of	In Jail on ———	Imprisoned during ———	Total.	Released during ———	In Jail at the end of ———	Less than 3 years.	Upwards of 3 years.
Nizamut Adawlut,							
Commissioner,.....							
Session Judge,.....							
Magistrate, ...							
Joint Magistrate, ..							
Total, ...							

Part 5 Particulars of Column 7, Part 4, or Persons confined upwards of 3 years.

Names of Prisoners.	Date of the original order	Date of last removal	Authority renewing the order.

Part 6. Prisoners in Custody in default of Security to keep the peace.

Names.	Amount of Security required.	Term of Imprisonment in default.	Date of order and by whom passed.	Causes of requisition of Security and other remarks.

No. 3.

Persons under Commitment when the Statement closed.

PART 1, Committed	1. In Jail.	2. On Bail	3. Total.	4.
	Persons	Persons	Persons.	Cases
In former months or year				
In the month of —— or year				
Total, ...				
PART 2.				
Detail of former months or year				
In ———— 18				
In ———— 18				
In ———— 18				
Total, ...				

No. 4.

Abstract Statement of Summary Suits for forcible dispossession under Act IV. of 1840, decided and depending

	1. Total number.	2. Decided on their merits.	3 Adjusted or withdrawn.	4 Dismissed on default.	5. Transferred.	6 Total disposed of	7. Pending at the close of —	Remarks and explanation of cause of delay beyond three months in the disposal of cases.
Pending on the —— Instituted during the ————								
Total, ...								

No. 5.

Number of Prisoners whose cases were under reference to the Nizamut Adawlut at the close of ————

1. No of Case.	2. No of the Prisoners.	3. Names of Prisoners.	4. No of the crime.	5. Crime charged.	6. No. of Prisoners in each case: In Jail.	7. On Bail.	8. Total.	9 Date of order of reference	10. Remarks By the Magistrate and Session Judge.	11. Remarks By the Nizamut Adawlut.

No. 6.

Abstract Statement of the Criminal business disposed of and pending in Zillah ———— for ———— 18

	1. Heinous offences.		3. Petty offences.		5. Appeals.		7. Progs from other Zillahs.		9. Applications and Petitions of every other descriptions.	
	2. Disposed of	Pending	4. Disposed of	Pending	6. Disposed of	Pending.	8. Disposed of	Pending.	10. Disposed of	Pending.

REMARKS.

MAGISTRATE'S OFFICE,
Zillah
The 184

Magistrate.

No. 7.

Abstract of the Calendar of Persons Convicted, Committed and Acquitted by the Magistrate, Joint Magistrate, Assistant, Principal Sudder Ameen, Sudder Ameen and Law Officer of Zillah ———————— for the year 18

	1.	2.	3.	4.	5.	6.	7.	8.	
	Convicted.		Committed.		Acquitted.		Total.		
Names of Officers.	Cases.	Persons.	Cases.	Persons	Cases.	Persons.	Cases.	Persons.	
Mr. ————									
Mr. ————									
Mr. ————									
Total, ...									

No. 8.

Average period which intervened between the date of apprehension or attendance on summons and the disposal of the case in the Magistrate's Court of Zillah ———————— for the year 18 ——

	1.	2.	3	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	
	Cases in which the Agency of the Police was employed.									Cases in which the Agency of the Police was not employed.					
	Number of Cases.	No. of days pending in the Mofussil.	No. of days pending before the Magistrate.	Total number of days.	Average time occupied in the Mofussil	Average time occupied before the Magistrate.	General Average.	Longest time a case was pending.	Shortest time a case was pending.	Number of Cases.	Number of days pending.	Average time.	Longest time.	Shortest time.	
January, ...															
February, ...															
March, ...															
April, ...															
May, ...															
June, ...															
July, ...															
August, ...															
September, ...															
October, ...															
November, ...															
December, ...															
Total, ...															

Magistrate's Office, Zillah The 184

Magistrate

No. 9.

Statement shewing the number of Appeals preferred from the orders of the Assistant to the Magistrate, Principal Sudder Ameen, Sudder Ameen and Law Officer of Zillah ———— to the Magistrate or other exercising the powers of Magistrate, in Criminal Trials and in Proceedings other than Criminal Trials, during the ———— with the orders passed thereon.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13	14.	15.	16	17.
	Appeals from orders passed in Criminal Trials.								Appeals from orders in Judicial proceedings other than Criminal Trials.							
From the orders of the	Pending on ———	Preferred during the ———	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of ———	Longest period during which any undecided case has been pending.	Pending on ———	Preferred during the ———	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of ———	Longest period during which any undecided case has been pending.
Assistant to the Magistrate,.....																
Principal Sudder Ameen, ...																
Sudder Ameen, ...																
Law Officer, ...																
Total, ...																

SUPPLEMENTARY RULES FOR PREPARATION OF MAGISTRATES' CRIMINAL STATEMENTS.*

Statement No. 1.
Part 1. Column 2.

89. The crime of a prisoner, whose case is pending from a former month, or year, is not to be entered in this column, which is to be exclusively devoted to the exhibition of the crimes ascertained to have been committed within the month, or year, to which the statement relates.

Statement No. 1.
Part 1.

90. When the case of a party, charged with a lesser offence, lies over to a succeeding month, in which his crime assumes a graver aspect, (as in the case of a prisoner being charged with wounding in one month, and the wounded person dying, in consequence of his wound, in a subsequent month,) he should be entered in column 4 or 5 (as the case may be) under the original charge, and on conviction, or committal, the entry should be made under the heading designating the graver crime of which he may be found guilty, or on which he may be committed (vide paragraphs 9 and 35 of rules.)

Statement No. 1.
Part 1. Column 7.
„ 2. „ 1.
„ 3. Heading 4.
Rules, paras. 15, 39, 42

91. It appears to be the opinion of some officers, that as parties held to bail at the thana are often unconditionally released by the magistrate on receipt of the thana reports, without such parties being personally brought to trial by that officer, they should not be entered in column 1, part 2, and consequently not in column 7, part 1, the heading of which implies only persons "brought to trial." The Court, however, observe, that if it were practicable to frame the headings of statements and forms with a degree of precision fitted to meet every case, there would be no necessity for separate explanatory rules by which to construe the spirit and meaning of such headings; but it is found impracticable to arrive at such precision, and accordingly the number of persons brought to trial in any month is explained, by paragraph 15 of the rules, to be identical with the number apprehended or attending on summons. Before bail (which includes moochulka) can be demanded by a thanadar there must be some antecedent criminal charge, and although the parties released by him on bail may not, strictly speaking, be formally arraigned and tried by the magistrate, yet, when that officer directs their unconditional release, they are constructively tried and acquitted by him. Paragraph 42 requires that persons of this class shall be comprised

* The following Circular to the Criminal Authorities in the Lower and Western Provinces, was issued with the Supplementary Rules.

With the view of removing doubts, which appear to be entertained, on certain points connected with the preparation of the Criminal Statements by the Magistrates, and of correcting certain errors discovered in the printed rules for the direction of Magistrates and their subordinates, the Supplementary Clauses 89 to 105 are circulated for the information and guidance of the Criminal Authorities, who are directed to append the present to the rules before prescribed.

in the number entered in column 1, part 2; and paragraph 39, that the aggregate of columns 1 and 2, of this part, shall correspond with the total of column 7, part 1.

92. The large proportion which the number of persons bailed by the police officers bears to the integral number of all other descriptions of cases in some zillahs, and their subsequent unconditional release by the magistrate on inspection of the thana reports without the attendance of the parties, indicate a precipitancy and want of sound discretion, which demands the serious attention of the superior authorities. The police officer, who unnecessarily demands bail, from large masses of the population, fails in the due discharge of his duty, equally with the officer who, through neglect, suffers criminals to elude justice. The Court, therefore, after full consideration of the subject, see no reason to make any alteration in the rules contained in paragraphs 15, 39 and 42.

93. When parties, released on bail by the police officers, are unconditionally liberated by the magistrate without summoning them before him, they should be entered in column 13, Part 1, Statement No. 1, and under the heading, in Part 4, Statement No. 1, of the officer, who, after a consideration of the thanadar's report, may direct their unconditional release. If their cases are disposed of after attendance on the magistrate, they should be entered in column 11, 12 or 13, according to the nature of the order passed in the case of each person, and, in the column of remarks, the magistrate may specify the number of persons who have been liberated after trial, and of those who have been released without being summoned before the magistrate.

Statement No 1.
Part 1, Col. 7. Part 2.

94. A person apprehended and brought to trial in the zillah, for a crime committed in a foreign territory, will be entered in part 2, column 1 or 2, as the case may be, and consequently in column 7, part 1.

Explanatory of paragraph 12.

95. When the crime in all the cases is identical, the nominal number of persons will correspond with the aggregate of the nominal number of persons in each case.

Rules—Page 9.

96.* For "Column 14, Transferred," read "Column 16, Transferred."

Statement No 1.
Part 7, Cols. 15 and 17.

97. All fines, realized in any given month, or year, will be entered in one or the other of these columns (according to the nature of the fine) in the statement for the month or year, in which they were realized, and this without reference to the time when they were imposed.

* This paragraph is not applicable to the rules as printed in this volume, but to the printed rules in 8vo. circulated by the Western Court.

Statement No. 1. Part 7, Col. 16.

98. Fines imposed in lieu of labor, being a punishment in addition to imprisonment, should be entered in this column.

Explanatory of paragraph 59. Statement No. 1, Part 8.

99. In the 1st column of this part should appear the number of males and females, who have been brought before the magistrate during the month, inclusive of those whose cases were still pending at the close of the former statement, the total corresponding with the total of column 10, part 1, which number, minus a number corresponding with the number of times that one or several persons may have been entered more than once, in consequence of being implicated in more than one case, will shew the true number of individuals brought up before the magistrate during the period. In like manner, those whose cases were pending at the close of the period, will appear in the 2d and 3d columns.

Paragraph 56.

100. For "Columns 1 to 11 and 2 to 12," read columns 1, 3, 5, 7, 9 and 11, and columns 2, 4, 6, 8, 10 and 12.

Paragraph 73.

101. For the words "preferred against them," which occur in the 3d line of paragraph 73, read "proved against them."

Statement No 8. Class 1st—Cases in which the Agency of the Police was employed.

102. The time passed in transit from the thana to the magistrate's court, will be included in the time entered in the 3d column of Statement No. 8.

Class 2d, Cases in which the Agency of the Police was not employed.

103. Cases received from other zillahs will appear in the 2d class of Statement No. 8.

Classes 1st and 2d.

104. Cases, if sent in by the military authorities with the aid of the police, will appear in the 1st class of Statement No. 8; if without their aid, in the 2nd class, in which class also will appear cases arising in the jail and cases received from other zillahs.

C. O. 16th Sept. 1842. No. 118, W. P. *infra.*

105. Magistrates will furnish a note, in the subjoined form, under the heading of remarks on Statement No. 1, shewing how many burglaries and thefts unattended with personal violence were left uninvestigated under the operation of Clause 2, Section 2, Regulation II. 1832.

"NOTE.—Out of the total number of entries in column 2 under headings 18, 23, 26 and 42 (say 152) 125 were uninvestigated with reference to Regulation II. 1832, viz. under heading 18, 55 cases; under heading 23, 51 cases; under heading 26, 11 cases; under heading 42, 1 case."

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.*

Lower Provinces, } 6*th January*, 1842.
Western Provinces, }

No. 99.

Certificates of the execution of capital sentences to state the occurrence or non-occurrence of accidents, &c.

I AM directed to communicate for your information and guidance, the following observations and rule.

2. The Court observe, that in the execution of sentences of capital punishment in this country, accidents proceeding from the breaking of ropes made use of to hang criminals, are by no means of unfrequent occurrence.

3. In the generality of instances such contingency is without doubt the result of a want of management and due care and foresight, on the part of the officers charged with the execution of the sentence, to whom it cannot but be regarded as exceedingly discreditable. Its effect is equally injurious and to be deprecated, whether the accession of physical suffering caused thereby, or the disturbance of the solemn impression meant be conveyed and of the operation of the spectacle as a moral example, be considered.

4. The Court are accordingly pleased to direct that in future each certification of the execution of a capital sentence shall include an announcement of no accident, error, or other misadventure having occurred; any occasion of the occurrence of such contingency, with a statement of its cause, of the party to whose fault it was owing, and of the steps taken in consequence, being duly notified in the return warrant.

TO THE SESSION JUDGES AND MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 7th } *January*, 1842.
Western Provinces, 28th }

No. 100.

Instructions given, consequent on Act XXXI. 1841.

IN directing the attention of the officers concerned to the provisions of Act XXXI. 1841, as regards criminal appeals, the Court request they will observe—

* This Circular was not inserted in its proper place among the Circulars of 1840.

Modified by C.O. No 15 f. & also C.O. No 159

First.—That every order of an assistant to a magistrate not vested with special powers, of a principal sudder ameen, sudder ameen, or law officer, passed in a criminal trial, or proceeding, is appealable to the magistrate, or other officer exercising the powers of magistrate, whose decision on the appeal is final.

Secondly.—That every sentence, or order of a magistrate, joint magistrate, or assistant, vested with special powers, awarding a higher punishment than that prescribed by Sections 8 and 9, Regulation IX. 1793, for the Lower Provinces, Section 4, Regulation XVI. 1795, for Benares Province, and Sections 8 and 9, Regulation VI. 1803, Ceded Provinces, is appealable to the session judge, whose decision is final.

+ Modd by C.O No 210 before

Thirdly.—That the law allows no appeal to the session judge from the sentence of a magistrate, joint magistrate, or assistant vested with special powers, awarding a punishment within the limitation prescribed by the abovementioned enactments.

Fourthly.—That every order of a magistrate, joint magistrate, or assistant possessing special powers, passed in any judicial proceeding, other than a criminal trial, is appealable to the sessions judge, whose decision thereon is final.

TO THE SEVERAL MAGISTRATES AND INDEPENDENT JOINT MAGISTRATES, IN THE NORTH WESTERN PROVINCES.

Western Provinces, 25th January, 1842.

No. 101.

Plan circulated for general information, for employment at a corn-mill of convicts sentenced to imprisonment for life within the jail.

WITH the sanction of Government, the Court of Nizamut Adawlut publish, for the information of magistrates, extract (paragraph 9) of a report on criminal justice by Mr. Pidcock, officiating additional session judge of Bareilly, detailing a scheme devised by that officer, and carried into effect in the Bareilly jail, for giving suitable employment to convicts under sentence of imprisonment for life within the prison. The plan appearing to possess many recommendations, is made public, as a hint to officers in charge of jails, who will exercise their discretion whether, when, and to what extent, they may find its introduction practicable or desirable. It encountered a rather determined opposition on the part of the prisoners in the Bareilly jail, at first, but was ultimately carried into successful effect through the resolute and discreet measures of the magistrate, Mr. R. H. Clarke, with whom it would be advisable for any magistrate, desirous of trying the experiment, previously to communicate. Corn-mills of the description used at Bareilly are, it is understood, best procured at Agra.

Extract of a Letter from the Officiating Additional Session Judge of Bareilly to the Register Nizamut Adawlut, North Western Provinces, dated 12th April, 1841, No. 30.

Para. 9. While on the subject of prison discipline, I may be allowed to allude to a system of labor devised for the most hardened and desperate characters confined in the Bareilly jail, and who have hitherto escaped all labor in consequence of the dread entertained of them, and the fear of their escape. In my report on prison discipline, the system of grinding atta for the consumption of the convicts by means of large mills was brought to the notice of the Court. It subsequently occurred to me, that the labor of the most desperate prisoners might readily be substituted for that of bullocks. The suggestion was made to, and at once adopted by the magistrate—16 convicts are employed at each mill—four at a time, in propelling each end of a horizontal bar, by means of which the stones are put in motion. As the labor is severe the sets are relieved every half hour, and the work is carried on without interruption from the morning till evening. A wall is constructed so high as effectually to screen the prisoners employed, and to prevent their being amused by what is going on outside, and they are not allowed to converse, or to make any noise. The quantity of atta ground daily by 16 men is two maunds, and is equal in quantity to that produced by the labor of four bullocks. After years of indolence this description of labor is any thing but palatable to the convicts employed, and they did all in their power to resist it. It appears to me a most admirable mode of punishment, and to possess all the advantages of a tread mill without any of the drawbacks attending that mode of punishment. As other magistrates may have experienced the same difficulty in providing suitable employment for the most hardened convicts in their jails, perhaps the system here described may be deemed worthy of more general adoption.

TO THE SESSION JUDGES AND MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 25th January,
Lower Provinces, 25th February, } 1842.

No. 102.

Applicability of rule in paragraph 4 of Circular Order No. 53, 12th June 1840, to cases of *assault.*

IT is hereby notified, that the principle of the rule in paragraph 4, of Circular Order of the Nizamut Adawlut, No. 53, dated 12th June 1840, has been held to apply to cases of *assault* by the Courts of Calcutta and Allahabad, who observe that, while certainly the character of the offence of assault may frequently be more grave, when committed with deliberation, and so far differ from the prevalent descriptions of affray arising from sudden quarrels, still it may safely be left to the discretion of the magistrate to commit or dispose of the case himself, with reference to the nature of the injury, and the apparent intent of the aggressor.

TO THE SEVERAL SESSION JUDGES AND MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 25th January, } 1842.
Lower Provinces, 6th May, }

No. 103.

Session Judges leaving their offices before the close of the year, to place on record their opinion of the proceedings of their subordinates.

INSTANCES being of frequent occurrence in which, owing to the removal of session judges towards the end of the year, and the unacquaintance of their successors with the circumstances of the district, reports are sent up nearly blank; Government have signified a wish that the Court "will frame some rule by which such deficiency of information may not again occur from such a cause, and require session judges, on removal from the station, to place on record their sentiments and opinions on the administration of those subordinate to them, up to the period of their quitting the office of control." The Court, therefore, direct that, as laid down for the civil department by paragragh 9, of Circular Order, No. 28, dated Lower Provinces 7th, and Western Provinces 21st December 1838, the session judges will invariably, prior to delivering over charge of their offices on quitting a district, record a minute to be made over to their successor, containing the particulars referred to, and any other observations, or results of experience, they may deem necessary or useful. The above rule is also applicable to magistrates under similar circumstances.

2.* The following extract of the orders of Government is, at the same time, appended relative to the responsibility of magistrates, as explained in the Circular issued by order of Government in the judicial department to commissioners, under date 19th, and published in the Gazette of 27th April 1841, to which the particular attention of those officers is called. "His honor deems it right to take this opportunity of intimating to the magistrates generally, through the Court, that they will not be exonerated from the responsibility, which attaches to their office, by urging, in extenuation of mal-administration, that the criminal duties were intrusted to the joint magistrate. On this subject a Circular was addressed to commissioners on the 19th April, 1841, and the Court are requested to press the purport of the admonition it contains on the attention of all the judicial functionaries under their control."

* This paragraph was not circulated in the Lower Provinces.

TO THE SEVERAL MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 28*th January*, } 1842.
Western Provinces, 18*th March*, }

No. 104.

Descriptive Roll to be forwarded with insane persons sent to any of the insane hospitals.

THE Court direct that magistrates who may send insane persons to any of the insane hospitals, or to the asylum at the presidency, will forward, with each patient, a descriptive roll, in the annexed form, with the column of remarks filled up by the surgeon of the district in those cases in which the patient has been attended by him.

Descriptive Roll of Insanes forwarded to the Insane Hospital of ——————— *from Zillah* ———.

Name of Patient.	Names of near relatives or members of his family.	Place of residence, including names of Village, Pergh. and Zillah.	Cast, occupation or trade.	Age.	List of articles as cloths, &c. belonging to the patient and sent with him to the asylum.	Circumstances that led to the patient having been put under restraint and sent for confinement in the asylum.	Remarks. A brief history of the case, the supposed cause of insanity, &c.

* *Column* 3.	*Column* 4.
Place of residence, profession, and age.	List of patient's property sent with him to asylum, as well of any sold to meet charges, with amount realized by such sale.

2. In the case of insane European British subjects sent under Circular Order, No. 85, dated 30th April, 1841, columns 3, 4, 5 and 6 may be compressed into two columns, as shewn in the margin.*

TO THE MAGISTRATES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 4*th March*, 1842.

No. 105.

Notification enjoined in the Agra Gazette of escape of prisoners.

THE Court direct that whenever convicts, under sentence of imprisonment for life, or a limited period, may effect their escape from jail or the custody of their guards, magistrates, or other officers under whose charge they are, will forward without delay a notifica-

tion in the form given below for publication in the Agra Government Gazette, accompanying the same with a translation into Oordoo, to the Government translator.*

Descriptive Roll of Convict sentenced to imprisonment for life (or —— years) who escaped from confinement on the —— of —— 184 .

Name of Prisoner	Caste and Age.	Residence.			Crime and date of sentence.	Whence escaped.	Remarks.
		Village.	Pergunnah.	District or Country.			
							To contain description of fugitive's person, notice of any reward offered for his apprehension, or other particulars.

A. B., *Magistrate.*

MAGISTRATE'S OFFICE,
Zillah —— the — of —— 184 .

TO THE SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces,
Western Provinces, } 18*th March*, 1842.

No. 106.
Instructions with reference to Section 5, Act XXXI. 1841.

WITH reference to the provision in Section 5, Act XXXI. 1841, for the sessions and magisterial authorities being empowered to call for and examine the records of courts immediately subordinate to them, to satisfy themselves as to the proceedings of such

* The following Circular Order dated the 30th January 1843, was published in modification of the above.

The notifications of the escape of convicts, publication of which was enjoined in the Circular Order, dated 4th March 1842, having been found to occupy more space than their importance seems to deserve, the Court, in modification of that Circular, are pleased to direct that, in future, magistrates will send for publication such notices only as concern escaped convicts for whose re-apprehension a reward may have been sanctioned of Rupees 100, or upwards.

courts being regular, but without power to *alter* any sentence or order of such courts, save on appeal regularly made under the Act, the Court notify, that it is the duty of the authorities alluded to, to report any cases, the circumstances of which, on revision, may suggest the propriety of interference, to the Nizamut Adawlut, in order that that Court may proceed respecting them as shall appear proper.

2. Such reports will always be accompanied by the record of the case to which the reference relates, and by an English letter commencing—" Under Section 5, Act XXXI. 1841, and Circular Order of the Nizamut Adawlut, dated 18th March 1842, I herewith transmit the record of the case, noted in the margin, to be laid before the Nizamut Adawlut, with the following report."—Thereafter will follow a concise account of the irregularity, or other matter, on which the interference of the Court is sought. The magisterial authorities will send these reports, for submission to the Court, through the office of the session judge, to whom they may be subordinate.

3. In thus apprising the local officers of the duty devolving on them under the Act recited, the Court abstain from entering into any detail of the particular occasions on which such reports may require to be made, or attempting to define what descriptions of grave irregularity of procedure, undue severity of punishment, &c. may call for the adoption of the course. It is deemed sufficient to enjoin the officers in question, generally, to exercise a sound discretion in making references to the Court under this rule, so that neither important errors and omissions may escape correction, nor the time of the Court be needlessly engrossed by matters not demanding their interference.

4. Session judges, in referring trials under Section 6 of the Act above quoted, will always indicate the same in the commencement of their letter in form following: "I herewith transmit, to be laid before the Nizamut Adawlut, under Section 6, Act XXXI. 1841," &c. &c.

TO THE MAGISTERIAL AUTHORITES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 4th May, 1842.

No. 107.

An increase of rations to be granted to laboring convicts un-

THE Court, having received some statements that give reason to doubt how far the reduced allowance of daily ration to the prisoners, viz. 12 chittacks of meal, prescribed by Circular Order, No. 88, dated Western Provinces, 2d July last, is quite

adequate for the maintenance, in a state of strength and fitness for hard labor, of those convicts, among the inmates of the jails, who are subjected to hard work on the roads, and exposed to the ardor of the sun, deem it proper, while they as yet see no grounds for any general modification of the order above quoted on the plea of the scale of diet sanctioned by it being too low, in respect to any other classes of prisoners, at the same time to accord a conditional discretion to magistrates, in communication with the civil surgeon, and with the assent of that officer, to increase the daily allowance of 3-4ths of a seer, to hard worked and exposed convicts only, in any measure within the limit of 1 seer—whenever there is good reason to conclude that failure of health and strength in such prisoners is connected with the insufficient quantity of food allowed them.

der particular circumstances See C O. No. 111, *infra.* † No 168. Infra

2. This discretion should be exercised with caution, and only in manifest cases of exigency, and its effect watched, that means may be afforded for judging whether improvement in the sanitary state of the prisoners to whom the indulgence is extended is the consequence.

TO THE SESSION JUDGES AND MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 10*th June,*
Western Provinces, 1*st July,* } 1842.

No. 108.

Instructions for properly marking life-prisoners with *godna.*

MUCH diversity being believed by the Court to exist in the mode of marking convicts sentenced to imprisonment for life on the forehead by the process of "godna," such process being often carried into effect in a very imperfect manner, so as to escape observation, or admit of easy effacement, a relaxation of the rule which is understood to prevail chiefly in the case of the more influential prisoners, the Court of Nizamut Adawlut for the Lower and Western Provinces, adverting to the declared object of the infliction of "godna," viz. to facilitate the re-apprehension of convicts under perpetual imprisonment, who may escape from prison, are pleased to prescribe the following rules..

1st. The particulars required by law to be inscribed in the performance of "godna" shall invariably be marked upon the forehead of the convict *immediately above the eye-brows,* in a straight line, the injunction in Clause 4, Section 12, Regulation XVII. 1817, for the performance of the operation early in the morning, the adoption of precautions against effacement in the course of the day, and the subsequent renewal of the inscription, when illegible, being duly observed by the magistrates.

2d. It is the duty of every magistrate personally to examine each prisoner on whom "godna" may have been inflicted; and for any deviation from, or neglect of, the rule now laid down, which may occur, that functionary will be held responsible.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 20th June, 1842.

No. 109.

Prohibition of Government against native judges and law officers trading.

THE Court are pleased to republish for general information, the subjoined notification of Government, dated 29th December 1835, interdicting the engagement of the native judges of all grades and of the law officers of the courts, in any trading speculations; and they request the judges will direct to that order the particular attention of all the officers concerned.

NOTIFICATION.

JUDICIAL AND REVENUE DEPARTMENT,

THE 29TH DECEMBER, 1835.

The principal sudder ameens, sudder ameens, and moonsiffs, and the Mahomedan and Hindoo law officers of the zillah and city courts, and of the Sudder Dewanny Adawlut under this presidency, are hereby prohibited, under pain of dismissal from office, from being engaged in any trading speculations.

If any principal sudder ameen or other of the officers abovementioned shall be now engaged in trading speculations, or any such speculations shall devolve on him by inheritance, it shall be incumbent on him, within one month, to make known the circumstance to the zillah or city judge, or to the register of the Court of Sudder Dewanny Adawlut, and terminate his connection with such transactions at the earliest practicable period. Should he be unable to do so, within one year, he shall either resign his situation, or submit a report of the circumstances of the case to the judge or register, who will forward it to the Government, or Court of Sudder Dewanny Adawlut, as the confirmation of the officer may be vested in one or other of those authorities, with his own opinion as to the propriety of allowing the officer a further period for the purpose of bringing his transactions to a close. If any of the officers abovementioned shall fail to conform to the above rule, the same penalty shall attach to him as if he had engaged in trade subsequent to the publication of this order.

Candidates for any of the offices abovementioned shall certify in their applications that they are not engaged in any trading speculations; and in the event of their being

appointed, and of its being subsequently discovered that they were so engaged at the time of making their application, they shall be liable to be dismissed from office.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 24th June, 1842.

No. 110.

References regarding chemical questions and operations to be made direct to the professor of chemistry.

PUBLIC Officers are hereby informed, that a rule has been established, under directions of the Supreme Government, for all references regarding chemical questions and operations on account of Government being made direct to the professor of chemistry, Medical College, Fort William, who is privileged to issue and receive letters connected with his department free of postage.

TO THE SEVERAL MAGISTERIAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 24th June, 1842.

No. 111.

Report to be made in instances of magistrates granting increase of rations to certain convicts under C. O No. 107, 4th May 1842.

THE Court of Nizamut Adawlut request that in any instance, in which magistrates or officers in charge of jails, may have found it expedient to act on the discretion allowed by the Circular Order, No. 107, dated Western Provinces, 4th ultimo, in respect to a conditional increase of the daily ration to a certain description of convicts, they will report having done so, within one month from the date of the Gazette, in which this order appears, as also whenever they may act on it in future, for the information of the Court, submitting, at the same time, copies of any correspondence, with the medical officer or other public authority, which may have passed, as well as of any opinion that may have been recorded on the subject of the adequacy, or otherwise, of the ration of 3-4ths of a seer daily.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE BENGAL DISTRICTS.

Lower Provinces, 24th June, 1842.

No. 112.

Correspondence with authorities of districts where Urdu is current, to be in that language.

IT appearing that proceedings in Bengalee are occasionally sent to authorities of districts where Urdu is the vernacular, I am directed by the Court to request that you will strictly conform to the 7th of the Rules circulated on the 5th July 1839, which relates to correspondence with other districts.

TO THE SEVERAL SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 1st July, 1842.

No. 113.
The revision of security cases how affected by Act XXXI. 1841.

THE Court of Nizamut Adawlut publish the following instructions regarding the applicability of the provisions of Act XXXI. 1841, to the orders passed by magistrates on the cases of persons detained in confinement, in default of security for good conduct, agreeably to Regulation VIII. 1818.

2. Under Clause 2, Section 8, of that Regulation, those cases, in which the demand for security does not exceed one year, do not need to be laid before session judges: such cases consequently are not in future to be revised by session judges, except on appeal by the parties.

3. But those cases, in which security for more than a year is demanded, must still be submitted, for confirmation, to the session judge, who is competent, under Clause 2, Section 9, of the enactment cited, to modify or annul the orders passed by the magistrate, should he see grounds for so doing.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES, AND THE PRINCIPAL ASSISTANTS IN THE PROVINCES OF ASSAM, ARRACAN AND HAZAREEBAUGH.

Lower Provinces, 1st July, 1842.

No. 114.
Manufacture of paper by convicts.

IT being considered by Government, that the labor of convicts might be advantageously directed to the manufacture of country paper, and a very successful experiment having been made by Mr. Leycester, magistrate of Hooghly, the Court request you will inform them, after a perusal of the report of that experiment, (hereto subjoined,) whether you possess facilities for making an attempt of the kind.

2. It is to be borne in mind that the conduct of such an experiment requires not only the possession of zeal and energy in the officer who undertakes it, but such local advantages as a convenient site for the manufactory, materials for the manufacture, and workmen willing to teach the business to the prisoners who may be selected for the work.

3. Specimen sheets of the paper manufactured at the Hooghly jail accompany.

From the Magistrate of Hooghly to the Court, dated the 22d December, 1841, No. 788.

I have the honor to acknowledge your letter, No. 1505, dated 30th April, 1841, together with its accompaniments, and, in conformity with the orders therein contained, beg to submit for the information of the Court as follows:

2. A shed, 24 feet long by 18 feet, for the preparation of the material into pulp, and a hut for a drying house, 12 feet by 8 feet, having been erected,—I engaged a native manufacturer of paper and his assistant to superintend operations and teach the prisoners the art, and in July the manufacture of paper was commenced in this jail. The cost for the erection of the houses and purchase of some implements of manufacture was trifling —Rupees 38-4-0.

3. The implements used for the manufacture are as follows:

Implements used in the manufacture of paper.

First.—A dhenkee or large wooden beam, in length 12 feet and 2 feet 7 inches in circumference, moving on a pivot and worked by twelve men. The hammer of this is shod with iron, and descends with great force on a buried stone, upon which the material is thrown up as required, and is thus beaten to a pulp. Two of these stamping rods have been erected.

Secondly.—Five or more of gumlahs, some of which are used for soaking the raw material and cleansing it with lime; the others act as cisterns for the reception of the pulp when sufficiently beaten and prepared for the mould.

Thirdly.—The mould, which consists of a wooden frame, in size 22 by 19 inches, on which the sieve is stretched.

Fourthly.—The sieve, made of very fine stripes of well seasoned bamboo, about 24 to the inch, and joined together by horse hair in the length of the sieve, the rows of thread being not quite an inch apart—great nicety is required in making this.

Fifthly.—Common mats on which the stuff is spread out to dry and bleach, and on which the prepared paper is stuck to dry. Boards and stones for rubbing and polishing it, and knives for cutting it, are the only further articles that are requisite.

4. The material with which it is proposed to manufacture having been selected, well dusted, and cleansed, is put into water in which lime has been mixed in the proportion of one maund of stuff to half a maund of lime; while thus soaking it is trodden on by the feet for two or three hours, then taken out and exposed in heaps for two or three days; after

Process.

which it is beaten by the dhenkee, or stamping rod, for about four hours; and the lime is then washed out of it completely. The material is again soaked in fresh lime-water, and spread out for two or three days in the sun to dry and bleach; the stuff thus made is again beaten for eight or nine hours, and after three or four such processes, the pulp having been washed free of the lime, is ready for the mould. It is then thrown into large gumlahs of water, and being agitated quickly for an hour or two, is brought to an uniform consistence. The manufacturer then dips the mould half way into the stuff taking up sufficiently of it to form a sheet of paper of the required size and stoutness, and by shaking it gently covers the mould with it. Great nicety is here required; for if the frame be not held perfectly level, one part of the sheet will be thicker than another. The sieve is then taken off the mould and carefully laid on a frame covered with cloth, against which the sheet is pressed by gently rubbing the back of the sieve with the hand: the sheet adheres to the cloth, and the sieve being removed, the paper is made.

Drying the paper.

5. The sheets of paper are thus laid one upon the other until a heap of some 12 quires is raised, which is kept in a slanting position to permit as much water as possible to drain off; after remaining so for a day or two, the sheets are separated (this is easily done by the help of a brush and a little nicety of hand,) and being stuck on mats are exposed to the sun to dry, which takes about four to five hours. The paper is then taken to the jail of the female prisoners to be sized.

Sizing.

6. Upon the care and nicety with which the sizing is given, it appears to me much depends. The size is made of flour of best rice—1 seer of rice to $3\frac{1}{4}$ seers of water. I have tried finely powdered alum ground up with oil, a little of which added to the size in common use improves it materially. The size is laid on each sheet separately with the pod of the dundhool (luffa pentandra) which grows wild. When one side is dry, the size is applied to the other. The paper thus sized is sent back, and, being placed on a plank, is rubbed on both sides with a stone, by which operation, performed twice or oftener, a polish is given to it. It is then ready for use.

7. I have the honor to forward seven specimens of paper manufactured since the commencement of operations in July—the material used for each sort is marked on the specimen. The rainy season is unfavorable for this manufacture, but during the cold weather I hope to be able to make further experiments with different sorts of materials. Since July 53 bundles and 21 quires of paper have been manufactured, and some of the prisoners have made considerable progress in learning the art. Four of them understand it so well, that I have been able to dispense with the services of one of the native manufacturers. These prisoners have themselves made 309 quires in the past month, specimens of which I beg to submit. They cannot make the bamboo sieve, but if wire frames were to be supplied, as they have been to Dr. Campbell at Darjeeling, the learning this

task may be dispensed with. Should the prisoners continue to improve, and I see no reason why they should not, we shall be independent of the native manufacturers in a very short time.

8. The monthly expenditure of country paper in the civil and criminal courts is about 400 quires, and, judging from the rate of manufacture, they can be supplied from the jail with a far better material than I can obtain from the bazar, and at a cheaper rate than the allowance made by Government. I beg to submit a regular account of the expense of manufacture and the paper in store, and request the sanction of the Court to write off the sum of rupees 78-12-0 expended for the materials in my contingent bill.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8*th July*,
Western Provinces, 30*th Sept.* } 1842.

No. 115.

Reports regarding, and registers of, ministerial officers of the judges' courts dismissed for misconduct. See C. O. No. 125, *infra*.

I AM directed by the Court to request that whenever any of the ministerial officers attached to your court, receiving a salary of not less than 10 rupees a month, may be dismissed from the public service for misconduct, a report of the same be submitted, according to the annexed form, with a view to a register of their names being kept in this office, in conformity to orders recently received from the Honorable the Court of Directors.

2. An extract from the register will be forwarded to you annually, to enable you to guard against the admission of improper persons into the public offices.

FORM.*

Ministerial Officers of the Civil Court of Zillah ———— *dismissed from office for misconduct.*

1.	2.	3.	4.	5.	6.	7.
Name of the Employee.	Name of his Father.	Office held by him.	Cause of Dismission.	Date of Dismission.	Description of his person.	Remarks.

* This form includes the additional column prescribed by the subsequent Circular No. 125.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 12*th August*, } 1842.
Western Provinces, 26*th September*, }

No. 116.

Rule of the Circular Order of the 25th February 1820, extended to the nazirs of the foujdaree courts.

THE Court notify that with reference to the Circular Order, No. 38, of the 25th February 1820,* which authorizes the payment to the nazirs of the civil courts of a commission of one anna per rupee on the proceeds of unclaimed property of persons dying intestate, which may be sold by them, the Government have been pleased to sanction the extension of the rule to the nazirs of the foujdarree courts, who may be ordered to sell unclaimed property.†

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 26*th August*, } 1842.
Western Provinces, 4*th November*, }

No. 117.

Police officers required to make use of the form of declaration prescribed by Act V. 1840.

THE Court are pleased to direct that it be explained to the darogahs and other police officers, that they are to make use of the form of declaration circulated on the 3d April 1840, in all cases wherein they are authorised by the Regulations to take a deposition on oath, by causing the deponent to repeat the words of the form before giving his deposition, and stating at the head of the written deposition that he was sworn according to the provisions of Act V. 1840.

2. Copies of the forms of declaration in Bengalee and Urdu are forwarded herewith, for the use of the thannas of every district.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 16*th September*, 1842.

No. 118.

A note to be inserted in magistrate's monthly statement, shewing number of

WITH reference to the great disproportion for the most part observable in the magistrate's criminal statement, No. 1, between the number of certain classes of crimes reported as "ascertained to have been committed," and the number of perpetrators ap-

* Circular Order of the Sudder Dewanny Adawlut, Vol. I, part 2.

† The distinction between the two kinds of property is pointed out in the Circular Order of the Nizamut Adawlut, No. 3, dated Western Provinces, 17th November, Lower Provinces, 15th December 1837.

prehended and brought before the criminal courts for trial, a result believed to be reprehensible to the restrictive operation of Clause 2, Section 2, Regulation II. 1832, prohibiting thanadars from apprehending persons, and entering on the inquisition of charges touching such offences (viz. simple burglary and theft) without the presentation of a petition to that effect, or without the issue of specific orders by the magistrate, the Court, in order to obtain means of information, which are at present wanting, direct that, from issue of this order, magistrates will invariably append at the side or foot of part 1, of their monthly criminal statement, a note after the form given hereunder, shewing how many burglaries and thefts unattended with personal violence were left uninvestigated under the operation of the law above cited.

certain classes of offences not investigated under the operation of Reg. II. 1832.

NOTE*.—Out of total number of entries in column 3, under headings 19, 20 and 23, (say 152) 125 were uninvestigated with reference to Regulation II. 1832, viz. under heading 19, 55 cases, under heading 20, 19, under heading 23, 51 cases.

* See paragraph 100 of Supplementary Rules for magistrate's statements for modified form of note.

TO THE SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 16*th September*, } 1842.
Western Provinces, 15*th October*, }

No. 119.

Construction 940 declared to be superseded.

THE Court, having reason to believe that some of the session judges continue to act upon Construction 940, in regard to appeals from the orders of the magistrate preferred by officers attached to the jails, are pleased to declare that the Construction in question must be held to be superseded by Act XXXI. 1841, the second section of which provides that *all* orders passed by a magistrate in judicial proceedings other than criminal trials, are appealable to the session judge.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 1*st October*, 1842.

No. 120.

Prisoners charged with heino offences, not to be despatched

WITH reference to an instance of recent occurrence of a dacoit prisoner in progress from one district to another having killed the guard in charge of him, the Court, under instructions from Government, caution public officers against ever suffering a prisoner,

from one district to another under single burkundazes.

charged with a heinous offence, who may be under transmission from one station to another, to proceed under such inadequate custody as the charge of a single burkundaz. The crime of which a prisoner under such despatch is accused should also be invariably written in the perwannah meant to accompany the despatch.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 21*st October*, } 1842.
Western Provinces, 28*th December*, }

No. 121.

Specimens of forms indented for on the lithographic press to be prepared on paper of the smallest size possible.

THE Court are pleased to direct that officers indenting on the Government lithographic press for forms of statements, &c. will forward to the superintendent, with their indents, a specimen of the smallest size of paper on which the forms may be executed without material inconvenience.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 4*th November*, 1842.

No. 122.

Rule regarding responsibility of heads of offices in the matter of the arrangement of records.

WITH the sanction of Government, it is notified for the information and guidance of all public officers at the head of establishments, containing records, that in future any officer who permits the records of his office to fall into disorder shall be held responsible to Government for the expenses incurred in their readjustment, and any functionary receiving charge of an office, the records of which may be in disorder or so immethodically arranged as to prevent the ready production of papers when called for, who shall fail to make a timely report of their state, will be similarly held answerable for the outlay attending the assortment of the records.

TO THE CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 16*th December*, 1842.

No. 123.

Rules of practice fixed by the Nizamut Adawlut, N. W. Pro.

VARIOUS references have from time to time been made to the Court of Nizamut Adawlut since the passing of Act XXXI. 1841, as to the competency of a judge of sessions, under the terms of that law, to direct the apprehension, with a view to commitment for

trial, of a person, the charge against whom has, either with or without the arrest of the party, been investigated and dismissed by the magistrate, on the ground of the insufficiency of the proof against him, or from other cause; in cases which would, if proceeded with, be respectively within or beyond the magistrate's power to dispose of on trial by a final order.

vinces, with reference to Act XXXI. 1841, regarding the power of the sessions courts to interfere with certain orders of the magistrates.

2. In respect to cases of the former description, viz. those which the magistrate could decide of his own authority, the Court have communicated their opinion that the order of that officer for dismissal of the charge must be viewed as a legal acquittal; and could not, in any view, be considered tangible by the sessions court.

3. As regards the other sort of cases, viz. those beyond the magistrate's competency to try, the Court deemed it expedient temporarily to adopt (under protest, and holding themselves a different opinion) the view of the Nizamut Adawlut in Calcutta against the power of interference of the sessions court, pending the result of a reference on the subject which they had requested might be made to the Legislative Council; and instructions of a corresponding tenor were accordingly issued in reply to the references made.

4. The remarks of the Supreme Government having been recorded in the matter, the Court of Nizamut Adawlut, North Western Provinces, resolve to maintain their view of the power of interference of the sessions court, in the case stated in paragraph 3, and they intimate the same, as a rule of practice; further observing that session judges, in exercising this power, should use caution and discretion, and never subject to commitment and trial, without good grounds, a person in such case released by the magistrate.

TO THE SEVERAL SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 29th December, 1842.

No. 124.

Regarding the extent to which the provisions of Act IV. 1840, are applicable.

THE Courts circulated the following Resolution for the information and guidance of the criminal authorities.

Resolution of the Presidency Court of Nizamut Adawlut under date the 21st October, 1842.

PRESENT.

R. H. RATTRAY,
C. TUCKER, and
J. F. M. REID, Esqrs., } *Judges.*

It having been brought to the notice of the Court, that a session judge has overruled the proceedings of a magistrate in which he held the provisions of Act IV. 1840, to be applicable to a case involving disputes for the possession of land between a landlord and putneedar, on the ground that by the rule laid down in Construction No. 579, of the 17th December 1830, such cases could not be brought under Regulation XV. of 1824, and because he conceived the zemindar entitled to the privileges of an auction purchaser, and therefore entitled to oust the putneedar, they deem it proper to record the following Resolution explanatory of their construction of Act IV. of 1840, for the future guidance of the several session judges within their jurisdiction.

RESOLUTION.

With reference to the very general terms of Act IV. of 1840, the Court are of opinion that its applicability cannot be confined within the narrow circle of Regulation XV. 1824, which has been repealed by the present law, by which it is evidently intended to empower the magistrates to enquire into disputes, relating to the possession, of lands, of which, before the passing of that enactment, they were not competent to take cognizance.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 30th December, 1842.
Western Provinces, 3d March, 1843.

No. 125.

Registers of ministerial officers of the judges' courts, dismissed for misconduct.

To guard againt the possibility of dismissed officers obtaining service in other districts by change of names or other means of disguise, the Court are pleased to direct the addition of a column, containing a descriptive roll of the dismissed officer, to the form prescribed by their Circular Order, No. 115, Lower Provinces 8th July, Western Provinces 30th September last.

2. The extracts from the register of public servants dismissed for misconduct, which may be sent to you from this office, should be communicated to the several authorities of the district, so as to make the register of each department available to the heads of the other departments.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.*

Lower Provinces, 18*th June*, } 1841.
Western Provinces, 23*d July*, }

No. 126.

Construction that contradictory statements on a material point constitute perjury, and form of charge in such cases.

THE Court, having had occasion to take into consideration the state of the law of perjury as ruled by precedent† at page 282, of the 1st Volume of the Nizamut Adawlut Reports, are of opinion that the mere fact of a witness having wilfully given two statements directly at variance with each other, on a point material to the issue of the case in which he gives his testimony, must be held to be perjury, and that the deponent, on conviction, is punishable accordingly. This opinion is in conformity with the exposition of the Mahomedan law given in the paragraph at the bottom of page 21 of the 2d Volume of Constructions.

2. Under this construction of the law, the precedent cited will of course be held as superseded, and indictments for perjury in cases of the kind described will in future be drawn out after the following form:—"Charged with perjury in having, on the 25th April 1840, and on the 5th May 1840, given contradictory statements on affirmation before the magistrate and sessions judge of zillah ——— on a point material to the issue of the case."

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 27*th January*, 1843.

No. 127.

Rule regarding lodging, feeding, and clothing of convicts under charge of executive officers.

THE Court, having been in communication with the Military Board, regarding the feeding and clothing of convicts placed under charge of executive officers, direct that it be considered as a general rule that such convicts are to be lodged and fed by the executive officers, but to be supplied with clothing by the magistrates in charge of the jails from which the convicts are detached.

* This Circular was omitted in printing the Circulars of 1841.

† "To constitute the offence of perjury punishable by the Regulations, in the case of a witness giving different depositions before a magistrate and court of circuit, it is requisite that one of the two contradictory statements should be satisfactorily established."

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 3d February, 1843.

No. 128.

Rescinds printed Construction No. 1177.

A RECENT Circular No. 225,* Lower Provinces 16th September, Western Provinces 17th October 1842, having noticed to the judicial authorities, that Act XXX. of 1841 is the only law under which contempt of court can now be punished, and "prevarication" not appearing to be correctly classable under the "obstructions to justice" rendered punishable by that enactment, it has accordingly been ruled by the Courts of Nizamut Adawlut at Calcutta and Allahabad, that Construction No. 1177 must be held to be rescinded.

TO THE SEVERAL CRIMINAL AUTHORITIES OF THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 10*th February,*
Western Provinces, 4*th April,* } 1843.

No. 129.

Rule regarding references to the chemical examiner.

I AM directed by the Court, under instructions from Government, to forward to you the accompanying copy of a letter, No. 45, of the 10th ultimo, from the chemical examiner, with a view to your adopting the suggestions of that officer in all practicable cases of the nature alluded to.

Copy of a letter from the Chemical Examiner to the Deputy Secretary to Government in the General Department, No. 45, *dated* 10*th January,* 1843.

I have the honor to inform you, that in the execution of my duty of chemical examiner to Government, I have several times been put to much inconvenience by no report or detail of cases being forwarded with substances sent for examination and supposed to contain poisonous matters. When the quantity of material requiring to be analysed is small, and no intimation or clue to its nature afforded by the symptoms it may have produced, some portion is necessarily expended in determining the class of poisonous agents to which it may belong, before any particular experiments can be undertaken

* Civil Circular Order Book, Vol. III.

with a view to establish its individual nature and composition, and in one or two cases the residue has been so minute as to prevent my being able to give a positive opinion on the subject. In all cases, it is a matter of interest and importance in a professional point of view to have a detail of every case of poisoning to illustrate the chemical examination, and afford such other evidence as may form a useful guide in future and doubtful cases of the same nature.

2. I have the honor therefore to request that all judges and magistrates who may have cases requiring chemical examination be directed to furnish every detail that can be obtained, both from the civil surgeon and those persons who may depose to the facts of a case, for the information and guidance of the chemical examiner. By this means much valuable information may be obtained, which may ultimately lead to a knowledge of the poisonous vegetable substances employed by natives for criminal purposes, very few of which can at present be detected by chemical analysis.

TO THE SESSIONS JUDGES AND COMMISSIONERS IN THE LOWER PROVINCES.

Lower Provinces, 24th February, 1843.

No. 130. †

Rules to be observed by the sessions courts in recommending sentence of perpetual imprisonment.

THE practice adopted by many sessions judges of recommending male prisoners to be imprisoned for life without specifying whether such imprisonment is to be undergone in transportation or in the Allipore jail, being attended with inconvenience, I am directed to request that in such cases you will invariably recommend that the prisoner be sentenced to transportation for life instead of imprisonment for life.

2. The object of this is to save the time of the Court, which is now frequently unnecessarily employed in deciding whether the imprisonment is to be undergone in transportation or in the Allipore jail. A single Judge of the Court, agreeing with the sessions judge in any sentence short of death, is competent to issue sentence, but if the sessions judge recommend imprisonment for life, and the Judge of the Nizamut Adawlut be of opinion that the imprisonment should be undergone in transportation, the law requires that the case be sent on for another voice, transportation being considered an aggravation of punishment. If, however, the sessions judge recommend transportation, the Judge of the Nizamut Adawlut is always competent to mitigate to imprisonment for life.

3. The foregoing order of course is not intended to prevent your pointing out to the Nizamut Adawlut any circumstance which in your opinion may be considered as a

ground of mitigation. In framing the recommendation of sentence as directed by the Court, you are always at liberty to state to the Court any circumstance which you deem may be taken into their consideration as a reason for commuting the transportation to imprisonment within seas.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 5th May, 1843.

No. 131.
Regarding operation of Act XXI. 1841.

THE Court circulate, for the information of the several criminal authorities, the following extract from a despatch from the Hon'ble the Court of Directors, to the Government of India, in the Legislative Department, under date the 14th December 1842.

* Act XXI. of 1841, for the better prevention of local nuisances not within the local limits of the Supreme Court.

"We trust that care is taken to prevent this Act* from operating oppressively towards persons affected by it."

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 7th April,
Western Provinces, 19th May, } 1843.

No. 132.
Rule regarding applications for copies of papers.

THERE being reason to believe that specifications of additional documents are sometimes inserted in applications for copies of papers, after the presentation of the application and the passing of an order for granting copies of the papers originally applied for, the Court, with a view to prevent such a practice, direct that petitioners be in future required to mention in words the number of documents of which transcripts are required, and to insert the date of application immediately after the list of papers.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 21st April,
Western Provinces, 26th May, } 1843.

No. 133.
References to the Advocate General to be made through the Nizamut Adawlut.

PURSUANT to the orders of Government, the Court are pleased to direct that you will submit through them all references you may have to make for the opinion of the Advocate General on points of English law.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES AND THE AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 27th April, 1843.

No. 134.

Subjects on which the local authorities are to correspond with the Government direct.

PURSUANT to instructions from the Government, the Court request that all communications, heretofore made to them on the following subjects, be, in future, addressed direct to the Judicial Secretary.

1. Application for leave of absence, whether on the part of the judges themselves, or on the part of the principal sudder ameens and sudder ameens.

2. Appointment, promotion, and transfer of uncovenanted judges above the grade of moonsiff. Reports of vacancies in the offices of principal sudder ameen, sudder ameen, and moonsiff of the 1st grade, to be made direct, so that the Government may receive without delay all information necessary to make the required appointments. With regard to moonsiffs of the 1st grade, a report is also to be made to the Court, to enable them to make arrangements for filling up the vacant office.

3. Erection and repair of public works and buildings.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 22d April, 1843.

No. 135.

When of two orders passed in any case, one may be appealable to the sessions court and the other not, a separate proceeding to be recorded for each.

THE Court, having had under consideration, in reference to Act XXXI. of 1841, that a magistrate's order in cases of trespass, or the like, may include the infliction of a fine of rupees 50, not appealable under Section 2 of that enactment, as well as an award of possession of the thing in dispute, which is appealable to the superior court; and desirous to correct the anomaly caused by one portion of an order being intangible and another portion of the same proceeding being capable of reversal by the appellate authority, direct that, in such cases, distinct and separate orders be passed—that in which the magistrate's decision is final being kept apart from any order appealable to the sessions court.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 2d May, 1843.

No. 136.

Directs registration prospectively of all security bonds executed by the sureties of treasurers, nazirs, and other ministerial officers attached to the judicial courts.

WITH reference to the provisions of Act I. of 1843*, which enact that, henceforward, all registered documents shall take precedence of others not so attested, the Court conceive that a due regard to the security of the interests of Government requires, that all security bonds executed by the sureties of treasurers, nazirs, and other ministerial officers, attached to the judicial courts, should be duly registered in conformity to the conditions of the enactment cited; and are accordingly pleased to direct, that all such, and other documents likewise of a similar character, by the annulment or repudiation of which, the interests of Government are liable to be injuriously affected, shall be subjected to registry; [that the civil and criminal authorities in the Lower Provinces shall satisfy themselves that the lands to which the registered security deeds relate have not been already conveyed away by any previously registered deeds,] and that such registration [and scrutiny] shall be deemed an indispensable preliminary to their acceptance as good and valid engagements†. The fees attendant on this process, must be defrayed by those, from whom security is demanded, and whose tenure of office is dependent on their compliance with such requisition.

2. As the validity of deeds, bonds and documents of every description, executed previously to the passing of this enactment, is not affected by its provisions, the registration of such need not be insisted on. These instructions are intended to have prospective effect only.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND THE EXTRA REGULATION PROVINCES.

Lower Provinces, 19*th May,* 1843.

No. 137.

Petitions of appeal, if presented within the period of appeal, to be received by the magistrates and sessions judges respectively, for transmission to the appellate court.

PURSUANT to the wishes of the Government, the Court direct that the magisterial authorities, and particularly those of out-stations, receive petitions of appeal against their sentences and orders, for transmission to the session judge, if presented within the period of appeal; and that the session judges pass orders on such petitions, notwithstanding the appellant has not entered appearance by himself or through an accredited mookhtyar at the court.

* See the modified provisions contained in Act XIX. 1843.

† The words within brackets are not contained on the Western Court's circular.

2. The same rule shall be applicable to petitions of appeal from the sentences and orders of the session judges, presented to them for transmission to the Nizamut Adawlut.

TO THE MAGISTERIAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 16th June, 1843.

No. 138.

Rules for abridging the proceedings of the magistrates and police officers in the investigation of criminal offences.

PURSUANT to the wishes of Government, for the abridgment of the proceedings of the magistrates and police officers in the investigation of criminal offences, which are recorded in the subjoined extracts, the Court, after communication with the superintendent of police, circulate the following rules and forms of roobakarees for the guidance of magistrates.

1st. In all cases investigated by the magistrate, no intermediate proceedings of length are to be admitted. In the event of its being necessary to require further investigation by the police, or the attendance of further evidence, it will be sufficient to pass an order to that effect in as many words, without entering into any detail of the facts of the case.

2d. In cases disposed of by the magistrate by conviction, a short record of the grounds of conviction and a clear statement of the charge are to be entered in the final roobakaree, together with a list of the witnesses examined; but it will not be necessary to preface the order with any lengthened details of the facts of the case (all of which may be gathered from the record,) or to make abstracts, as is sometimes done, of the reports and proceedings of the police officers in the magistrate's roobakaree of conviction.

3d. In cases of acquittal, it will be enough for the magistrate to record that, in his judgment, the charge has not been proved, and the prisoner consequently acquitted. In heinous cases, an addition may be made to the effect that, in the event of other evidence being produced against the person discharged, proper orders will be passed in the matter.

4th. In cases committed to the sessions, all that is necessary to be recorded is, the charge preferred, a list of the witnesses examined, and the charge on which the prisoner is committed by the magistrate.

2. Forms of final roobakarees, to be used by the magisterial authorities, in cases of conviction, acquittal, and commitment, are subjoined.

3. The following rules, framed by the superintendent of police, are to be communicated by magistrates to the police officers for their observance.

1st. In all cases cognizable by the police, the depositions of the informant or plaintiff, or of both, are to be immediately taken at length; the police officers being careful, particularly to enquire from them what they saw themselves—what they learnt from others—who the persons were from whom they learnt it—the prosecutor's witnesses, and what evidence each witness is supposed to be capable of giving. In cases of dacoitee, highway robbery, theft and burglary, the list of property lost must invariably accompany the plaintiff's deposition, and the above papers must be forwarded to the magistrate immediately on being received.

2d. The *sooruthals* required in Sections 14 and 15, Regulation XX. of 1817, or in cases of dacoitee describing the appearances presented, and the facts brought to light in a primâ facie inquiry, to be sent to the magistrate, in place of a report, the moment they are drawn up.

3d. Confessions of prisoners to be taken at length. No persons employed about the thannahs, or chowkeedars, doosadhs or chummars, or of such other descriptions, to be made subscribing witnesses to the same by the police, under penalty of forfeiture of situation. These must always be respectable men of the place; and such, if possible, as can read and write, and they should be required to question the prisoner themselves, whether he has confessed voluntarily to the facts stated.

4th. The depositions of witnesses are not to be detailed in the papers sent to the magistrate, and the summary of it to be given in the simplest form.

For example, in a case of highway robbery with murder;—

Nuzzer Allee, Peer Bux and Govindram deposed to having witnessed the deed;—

Doorga, Ewoz Jan, and Ruttun recognize the property;—

Sheolal and Gooroo Dass witnessed the search of prisoner's house;—

Sujut Allee and Gungadeen saw prisoner running off with a drawn sword in his hand;—

Janokia Dosadh chowkeedar arrested the prisoner and saw marks of blood on his clothes.

5th. At the bottom of this summary, the darogah is to enter the names of those witnesses whom he examined, but who professed ignorance, or gave evidence so unimportant as not to require their being sent in.

6th. In sending in the prisoners, at the close of an inquiry, the darogah to enter his grounds for so doing (without any recapitulation of evidence) in the column for remarks of the chullan No. 2, of Appendix to Regulation XX. of 1817.

7th. No precise rules can be laid down for the returns to purwannahs; but any police officer, unnecessarily taking up the time of the magistrate with long reports, will be entered in the minor register, and such conduct, if persisted in, will cause dismissal.

8th. The darogahs are informed that all excuses for delay in preparing and copying out voluminous reports being obviated by the above rules, any breach of the regulations in the detention of arrested persons, or any slowness in the enquiry, will be severely dealt with. They are also to report concisely, but clearly, all important occurrences which may take place within their jurisdiction, considering that an important part of their duty.

9th. In cases when the darogah may not think the case sufficiently proved to warrant the transmission of the accused parties to the magistrate, he is to send in the *substance* of the evidence of each witness, the statements of the plaintiff and defendants, the latter taken at length; and a clear statement (without recapitulating any evidence) of the grounds of his opinion for releasing the accused.

EXTRACTS REFERRED TO IN THE 1ST PARAGRAPH OF THE CIRCULAR.

Extract from the Report of the Superintendent of Police, Lower Provinces, for the Second Six Months of 1840, *dated* 16*th November*, 1841.

Para. 812. I am aware that I am not expected, by the Honorable the Court of Directors, to do more in these reports than exhibit the results of the system as it exists; and I trust that I shall not be considered as going beyond this rule, in pointing out the inutility of employing the police in recording all their mofussil enquiries, in the voluminous manner required by Regulation XX. of 1817. This is really not the business of the

police; and whilst it interferes much with the performance of their proper duties, it affords them every excuse for delay in sending in witnesses and offenders, and it places no check whatever on the compulsory extortion of confessions and evidence, or on the maltreatment of those from whom they may desire to procure declarations of any kind.

813. I believe the system of extorting evidence, &c., alluded to above, to be carried to a very great extent in many parts of the country; and it would be well to remove from the police all excuse for the delay which enables them to carry on this practice with impunity, whilst the abolition of the practice of the police recording any thing beyond the charge, the names of the witnesses, what they depose to, and the confessions of any persons, in a very concise manner, would place the magistrates' courts on a much better footing as being the judicial tribunals in the first instance, and render them not so dependent, as they are now, on the proceedings of their police, conducted without any proper control, constantly denied by the persons whose statements have been written down, and always suspected by the superior courts. If the whole detailed proceedings in a case of a dacoitee were to be placed before the Right Honorable the Governor of Bengal, I am sure that he would be surprised at the extraordinary quantity of written evidence judicially taken, and sent in by the police officers.

Extract from the Resolution of the Honorable the Deputy Governor of Bengal, dated 8th August 1842, *on the Report of the Superintendent of Police, Lower Provinces, for the last Six Months of* 1840.

Paras. 812 and 813.

Para. 14. What Mr. Dampier here recommends was strongly advised by the police committee in paragraphs 70 to 74 of their printed Report, dated the 18th August, 1838, and the Supreme Government, in the Resolution* passed upon the Report, approved entirely of the committee's suggestions, apparently intending that they should be carried into effect. It would, however, appear that an alteration in the existing law would be a necessary preliminary. The subject being now again revived, the Deputy Governor will consult the Sudder Court thereon.

* Para. 27.

Extract from the Report of the Police Committee, dated the 18th August, 1838.

Para. 70. The first point is that the proceedings both of the magistrates and at the thannahs, require to be considerably abbreviated. In regard to the former, the

records of a trial need contain only the examinations and the depositions of the parties, together with the final order of the magistrate, and the reasons for passing it. But according to practice, the record contains a great deal more. The final roobakaree, and often the intermediate proceedings, are swelled by a recapitulation of the depositions of all parties examined, although the original depositions immediately precede it. This at best is a needless waste of time and labor, while it affords the amlah an opportunity to distort and misstate the evidence, in order to magnify to the parties their own influence and importance. In the judgment of the committee, the final roobakaree or proceeding should contain merely the order or sentence in the case, and the reasoning on which it is founded. Those who are acquainted with the length, to which, by the present practice, a final roobakaree in the most trifling cases is extended, will know how great a saving of ill-employed time and labor, and therefore how desirable an improvement would be effected by the proposed abbreviation.

71. In regard to the thannah reports, it appears to us that they are susceptible of much simplification and improvement. The practice in this respect may be described as follows. On receiving intelligence of an occurrence, requiring local investigation, the darogah forthwith transmits to the magistrate a report of the information, containing generally an abstract or a copy (sometimes both) of the depositions of the prosecutor or informant, with notice of the reporter's intention to proceed himself, or to depute one of his subordinates, to the place of occurrence, for the purpose of local investigation. After the completion of the investigation, the darogah or other investigating officer forwards what is called a *sooruthal*, or statement, with or without prisoners, witnesses, and prosecutors, as the case may be. This document is a voluminous compilation in the native language of all depositions taken on the spot, from such persons as the police officer chooses to examine,—the examinations of accused parties,—an account of the police officer's own proceedings during the investigation,—and a summary of his opinion on the charge preferred, as to the guilt or innocence of the accused, whom, if deemed guilty, he forwards for trial, and if innocent, releases on bail, or recognizance at his discretion. This bulky report is not unfrequently accompanied by the original depositions of the parties, besides the abstract. It is evident that no such long report was intended by the framers of Regulation XX. 1817, (vide Section 13, Clause 2,) but in the hands of an unskilled mohurrer it always becomes what is above described.

72. The *sooruthal*, even when faithful to facts, is of small use to the magistrate, by whom it is seldom looked into with much attention. The chief object of it is to point out to the officers, whose duty it is under the present system to take the depositions for subsequent production before the magistrate, the kind of information or evidence to be given by such of the persons, prisoners, or witnesses, sent in by the police officers, and in

accordance with it the fouzdarry mohurrers shape their examinations. But, in practice, the *sooruthal* is not unfrequently drawn up by the police officer to suit his own private views, and represents the case, not as it has occurred, but as he is desirous it should appear. The depositions and examinations are written studiously with a view to support the opinion which he desires should be adopted by the magistrate, and can never be relied on as a trustworthy representation of facts. It has occurred to one member of our committee to receive, at the same time, through an oversight, two *sooruthals* of the same occurrence written by one officer. In one, the opinion given was, that the parties were guilty: and the evidence was studiously shaped to favor the conviction. In the other, the witnesses were made to give evidence exactly the reverse of that contained in the former, and the opinion recorded was, of course, in favor of the accused. These had been, as is supposed to be often the case, both prepared for transmission, with the intention of sending off the one or the other, according to the inducements held out by the parties concerned.

73. Though such signal detections can occur but rarely, yet every magistrate is well aware that little or no dependence is to be reposed on *sooruthals,* and theyare treated accordingly; while therefore they are of little or no use in promoting the elucidation of truth, they furnish excuses for delay and waste of time in completing investigations which is turned to account in fabricating false evidence, in tampering with prosecutors and witnesses, and in extorting money.

74. It appears to the committee that no inconvenience, and probably much good would result from the discontinuance of these *sooruthals,* and the adoption of a system like that in use in the Calcutta police. The darogah, or other police officer, should make summary enquiry, without recording depositions, and at the conclusion should merely send in the prosecutor, all witnesses and prisoners, (if the case in his judgment require further investigation,) with a brief summary of the charge, and list of the persons sent in to the magistrate. If the case, in his opinion, be unsubstantiated, he should send in a similar list of the parties examined, stating shortly that on his view of the merits of the case, he has released the accused on bail, or on recognizance. In the latter case the prosecutor, if he deemed himself wronged, might of course apply to the magistrate for a trial of the charge. But the power of thus primarily releasing should, in the judgment of the committee, be restricted to misdemeanors, and not extend to felonies and larcenies.

Extract from the Resolution of the Hon'ble the President in Council, dated 15*th June,* 1839.

Para. 27. The remaining recommendations of the committee, in regard to the abbreviation of the proceedings both before the magistrate and at the thannahs, and the

treatment of suspected persons, should, the President in Council is of opinion, be approved. In regard to the latter especially, there can, he thinks, be no difference of opinion. The principle laid down in the 82d paragraph of the committee's report is one which cannot too forcibly be impressed on every public officer; for there is none, the observance of which is of greater importance, nor is there any other country in which the principle in question is so systematically disregarded.

(True Extracts,)

(Signed) F. J. HALLIDAY,

Secy. to the Govt. of Bengal.

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1. FORM OF PROCEEDING OF CONVICTION.

Proceeding of the fouzdarry court of zillah ——————————————
—————— dated ——————————

Present ——————————————————— Magistrate.

A. B. Prosecutor.	*vrs.*	C. D. Defendant.

Charge.—Burglary in the house of the prosecutor and theft of property of the value of 50 rupees.

The prisoner having been arraigned on the above charge, and pleaded not guilty, the following witnesses were examined for the prosecution.

E. F. G. H.	Who were present when the prisoner was apprehended in the act of committing the offence.
I. J.. K. L.	To the fact of the property, found on the prisoner, belonging to the prosecutor.

M. N.
O. P. } To the prisoner's character.

The undermentioned witnesses were examined for the defence.

Q. R.
S. T. } To prove an alibi set up by the prisoner.

U. V.
W. X. } To the prisoner's character.

The charge having been proved by the evidence of the witnesses for the prosecution, who were present when the prisoner was apprehended in the act of committing the crime with which he is charged, and to the discovery, on the person of the prisoner, of property belonging to the prosecutor,—the value of such property not exceeding 50 rupees;

It is hereby ordered that the prisoner be confined in the criminal jail of this district for a period of two years from this date, and be kept to hard labor in irons.

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2. FORM OF PROCEEDING OF ACQUITTAL.

Proceeding of the fouzdarry court of zillah ——————————————
—————— dated——————————

Present ——————————————————— Magistrate.

A. B.
Prosecutor. } *vrs.* { C. B.
Defendant.

Charge.—Burglary in the house of the prosecutor and theft of property of the value of 50 rupees.

E. F. Witnesses examined.

Whereas the charge against the prisoner has not been proved by the evidence adduced on the part of the prosecutor,

It is hereby ordered that the prisoner be released.

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3. FORM OF PROCEEDING OF COMMITMENT TO THE SESSIONS COURT.

Proceeding of the fouzdarry court of zillah ——————————————
—————————— dated ——————————————

Present ——————————————————— Magistrate.

A. B. Plaintiff.	*vrs.*	C. D. Defendant.

Charge.—Murder of ————

The following witnesses were examined on the part of the prosecutor; viz.

E. F.
G. H. } Eye witnesses to the murder.

I. J.
K. L. } Witnesses to the fact of a previous enmity between the prisoner and the deceased.

M. N.
O. P. } Witnesses to the confession of the prisoner before the darogah.

The following witnesses were examined for the defence.

Q. R.
S. T. } To an alibi pleaded by the prisoner.

With reference to the evidence for the prosecution, it is hereby ordered that the prisoner be committed to take his trial in the sessions court of the district, charged with the murder of ——————————, that the prosecutor and witnesses be bound over to attend in the sessions court, and the prisoner be questioned as to any evidence he may wish to have summoned on his trial.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 23d June, 1843.

No. 139.
Two cooked meals a day to prisoners authorised.

THE Court circulate, for the information of the session judges and the guidance of the magistrates and independent joint magistrates, the following extract from a resolution of the Hon'ble the Deputy Governor of Bengal, dated 5th instant, authorizing two cooked meals being daily given to prisoners under the ration system.

2. "With regard to the reports of medical officers on the rations served out to prisoners, it appears that there is no fault to find with the quality of the articles supplied, but the quantity* varies in a considerable degree, and must be considered insufficient in many districts. It is strongly urged by the Medical Board, and, as His Honor thinks, with propriety, that two cooked meals a day should be allowed to all prisoners under the ration system. This will be forthwith introduced into the different jails in the Lower Provinces."

* His Honor observes that in several districts less than the full standard prescribed is allowed by the prisoners. This should be immediately amended.

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES AND AUTHORITIES IN THE EXTRA REGULATION DISTRICTS.

Lower Provinces 23d June 1843

No. 140.
Modification of Half Yearly Statement No. 21.

I AM directed to request that you will submit your Half Yearly Statement, No. 21, for the first six months of the current year, in the accompanying form, which is the same as that prescribed by the Circular Order of the 12th December 1834, with the omission of the detail of offences therein given, and of the memorandum of prisoners under sentence of banishment.

2. The Statements 22, 23, and 24, will be submitted in the usual form.

No. 21.

Half Yearly Report of Criminal Prisoners confined in the Jail of Zillah ———— *on the 30th June, (31st December,)* 184 .

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
	Prisoners under Sentence										
					To furnish Security for good conduct						
	Of labor in irons with imprisonment, of which 7 years is unexpired.	Of labor in irons with imprisonment, of which less than 7 years is unexpired.	Of labor without irons, redeemable by fine.	Of imprisonment without labor, with or without fine.	Of dangerous characters to be confined till security be given.	To be discharged without security at the end of a limited period.	Committed to take their trial at the Sessions.	Whose cases are still under examination (Hajut Tuzveez).	Prisoners who are not included in the preceding columns.	Total of all descriptions in Jail.	Number the Jail is capable of containing.
Under Sentence of the Nizamut Adawlut, ...										Males, ... Females, ... Total, ...	In Male Wards, ... In Female Wards. ... Total, ...
„ „ Commissioner of Circuit, ...											
„ „ Sessions Judge, ...											
„ „ Magistrate and Joint Magistrate,...											
„ „ Assistants, ...											
„ „ Sudder Ameens and Law Officers,											
Total,.....											

Memorandum required by Circular Order No. 1477, *dated* 8*th May,* 1840.

1.	Number and location of Prisoners sleeping outside the Jail on			
	2. Stations.	3. Number of Prisoners.	4. Distance in miles from Jail.	5. Work on which employed and other remarks.
Number of prisoners actually sleeping in Jail on.....	At			
	At			
	At			
Males, ... Females, ...	At			
Total, ...				
	In Hospital			
	Total,			

(A.) *Memorandum of the works on which the prisoners sentenced to labor* (*Col.* 2, 3, 4, 6 *and* 7) *are employed.*

1. Nature of Employment.	2. Number of Prisoners.	3. Remarks.

(B.) Explanation of ———— prisoners in the 10th column, in excess of the aggregate in columns 2 to 9.

———— Prisoner confined on account of insanity, till he recovers his reason.

———— State prisoner.

———— Prisoners whose trials are under reference to Nizamut Adawlut.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 7th July, 1843.

No. 141.
Prohibition of general warrants.

WITH advertence to a case which has recently come under their consideration, the Court request the magisterial authorities to conform strictly to the rules laid down in Regulation IX. 1807, regarding the issue of warrants, and to be careful that none are issued for the apprehension of persons not expressly named therein. The sessions courts are at the same time requested to notice any instances in which the rule may be inadvertently violated.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 25th
Western Provinces, 30th } *August,* 1843.

No. 142.
It rests with the surgeon to decide whether wounded persons, sent to him for examination, shall be placed in the hospital for treatment or not.

TO remove doubts which may exist, the Court are pleased to direct, that when a wounded individual is sent by the magistrate for examination as to the nature and extent of his or her wounds, it shall rest with the surgeon to decide whether such person shall be placed in the hospital for treatment, or not; and that the surgeon's order on the point shall be conclusive.

TO THE MAGISTERIAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 1st September, 1843.

No. 143.
Increased rations to laboring prisoners, in two portions, authorised.

See the C. O. No. 145, 6th October, 1843.

WITH reference to the Circular Order, No. 139, of the 23d June last, the Court direct that the rations given to *laboring* prisoners be increased to one seer and a half; and that such increased allowance of food be distributed to them in two equal or unequal portions, one portion for the morning and the other for the evening meal. This will render it necessary to discontinue the issue of choora (parched rice) for tiffin at noon. In regard to the articles which constitute the rations, and other matters therewith connected, the rules of the Circular Order No. 89, of the 9th July 1841, are to be observed.

2. In acting upon these orders, the authorities will be guided by the subjoined remarks of the Medical Board, communicated to the Court by their officiating secretary under date the 29th ultimo.

" As far as the Medical Board has been able to ascertain, the standard of quantity has been, for some time past, that noticed in Mr. Littledale's letter, namely, 1 seer of eighty Sicca weight of ottah or rice, with a due proportion of the necessary condiments. In this seer of eighty Sicca weight, was included the midday tiffin of parched grain, against the allowance of which, it is within the Board's knowledge, many and various remonstrances have been made from time to time as tending to invite the accession of the very ailments which have caused the greatest mortality among the prisoners, and to obviate the necessity for which was not the least weighty of the Board's reason for recommending the second meal of cooked and wholesome food. It seems to the Board that from 40 to 50 Sicca weight added to the old standard of 80 Sicca weight, would bear division into two parts, equal or unequal according to the taste of the prisoner, and that one part or meal may be given in the morning so as to admit of the prisoners, under ordinary circumstances, arriving at the scene of their labors before seven o'clock in summer, and eight o'clock in winter. The other meal may be eaten as usual on the return of the prisoners from labour in the evening. The indigestible noon-day meal will of course be discontinued, and the space of time heretofore allowed for its consumption may or may not be denied, as the feelings of the Court of Nizamut Adawlut may prompt them to direct. The Board of course understand that, with the increase of ottah or rice, there will be a due increase also of salt, pepper, vegetables, &c.

" It is possible, as hinted at in the letter of Mr. Samuells, that the convicts, especially Hindoos, being unaccustomed to a full cooked meal at so early an hour, may not at first be able to consume the whole of the morning allowance. In this case, the convict may take the surplus with him to the labouring ground, and be allowed a short time in the afternoon to eat the remnant, for, though cold, being cooked and seasoned, it need not be unpalatable or unwholesome."

TO THE SEVERAL MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 16th August, 1843.

No. 144.

Prescribing the adoption of two general and six subordinate registry books, with a registry of decided cases, to facilitate reference to the records of cases.

THE Courts of Nizamut Adawlut for the Lower and North Western Provinces, have had before them the returns to their Circulars, dated for the Lower Provinces, 18th June, 1841, and for the Western Provinces, 23d July, 1841. The magistrates in the Lower and North Western Provinces having in general signified their unqualified approval of the forms of registers as circulated, and having in some instances already introduced them, and the emendations which have been suggested by some functionaries being

mostly of a trifling and unimportant nature, the Presidency and Western Courts direct that the registers be brought into use throughout all the districts within their respective jurisdictions.

2. The remarks which were circulated with the forms of registers, are here repeated for the information and guidance of magistrates.

3. The objects sought for, are facility of reference to the records of cases, and ready information (as far as facts and circumstances may have been ascertained) in regard to persons charged with offences, who have eluded the pursuit of justice.

4. For these purposes, two general register books and six books of subordinate entry, should be kept up in every magistrate's office.

1st. A general register of all applications preferred direct to the magistrate.

2d. A general register of all reports received from the police darogahs.

The subordinate books are:

1st. A book of heinous offences.
2d. A book of petty offences.
3d. A book of appeals preferred from subordinate courts.
4th. A book of references or proceedings received from other districts.
5th. A book of cases preferred under Act IV. of 1840.
6th. A book containing all miscellaneous matters.

5. All criminal cases should be entered in the first instance in either of the general registry books, and then transferred to one of the subordinate ones for trial and disposal, excepting of course the cases referred to the subordinate tribunals. When cases are finally decided, they should be sent to the record-keeper, who should keep a general register, in which he should enter all cases thus received, giving the number of the case and nature of it, the names of the parties, the crime, the thannah, the month and year of the occurrence, and an abstract of the final order, with a column in which he should note in what part of the office he has placed the papers. As long as this plan is followed no difficulty can occur in tracing out a case. If, for instance, a magistrate wishes to know what has become of a petition presented by A, on the 1st March, 1840, he refers first of all to the general register of applications, and he there finds it was either tried by himself as a petty offence and entered in his book of petty offences decided on

such a day, and sent to the record office, or else he will find that it was referred to the principal sudder ameen and disposed of by that officer. In like manner heinous offences will be traced from the general report book to the heinous offence book, and from thence to the record office or a subordinate court.

6. As regards Furarees, or persons who have eluded the pursuit of justice, the forms prescribed by Regulation III. 1812, if properly kept up, contain almost all the information that is requisite, the addition of a single column (which the magistrates are required to effect) will make them quite complete. The additional column should state the number of the case, the year in which it was preferred, and in what part of the record office the record is to be found.

7. These several forms, viz. two general registry books, six books of pending business, one of business disposed of, and the registers prescribed by Regulation III. 1812, amended as above directed, if properly kept up, would give every information. They are simple and easy of comprehension, and involve no additional trouble and expense.

A.

General Register of all Applications preferred direct to the Magistrate of Zillah ————, *commencing on the* 1*st January* 184 *and ending* 31*st December* 184

No. of this Register.	Name of the Applicant.	Date.	Substance of Charge.	Order.
1.....	Ram Doss, ...	1st January, ...	Assault, ...	Referred to the Sudder Ameen.
2.....	Sheik Coochil,...	Ditto, ...	Wounding with a Sword,	Deposition taken, and sent to Heinous Offence Book keeper.
3.....	Imam Deen, ...	2d January,.....	Stopping up a Road, ...	Referred to Darogah for Report and sent to Miscellaneous Case Book keeper.
4.....	Ramdhun, ...	Ditto, ...	Assault, ...	Referred to Principal Sudder Ameen.

W

B.

General Register of all Reports received from the Police Darogahs of Zillah ————, *commencing the* 1*st January* 184

and ending ————

No. of this Register.	Name of Thannah.	Date of Receipt.	Substance of Report.	Order.
1.....	Kutwah, ...	1st January, ...	Reporting a case of Murder in Village of Dhuguram, ...	Sent to "Heinous Offence" Book keeper. Darogah ordered to submit result of enquiries without delay.
2.....	Baupore, ...	Ditto, ...	Reporting all well.	Filed in the Office.
3.....	Bilsah, ...	Ditto, ...	Sending a case of Cattle Stealing, ...	Referred to Joint Magistrate.
4.....	Hooghly, ...	Ditto, ...	Reporting a Burglary in the House of Ramdhun, ...	Ordered to enquire into the case. Report sent to Heinous Offence Book keeper.

C.

RECORD KEEPER'S REGISTER.

1. No. of Cases.	2. Nature of Case that is Heinous, Petty or under what head.	3. Names of Parties.	4. The Crime or Offence charged.	5. Thannah.	6. Month and Year.	7. Final Order.	8. Record Keeper's Remarks.
							Placed in Rack No. 1. Bustah No. 4.

No. 1. *Book of Heinous Offences prescribed by Circular Order, 12th April,* 1811.

No. of this Register.	Name of Prosecutor.	Name of Party accused.	Abstract of Charge.	Date of filing.	Parties on Bail or in Jail.	Abstract of Order passed.	Final Order.
1.....	Shaik Coochil,	Ryamooddeen, Mynooddeen,	Wounding with a Sword.	1st January.	.....	Warrant issued.	
2.....	Rammohun, ...	.....	Murder of Coochil,...	1st January.	.....	Directing Enquiry.	
3.....	Ramdhun,.....	.....	Burglary,.....	1st January.	.....	Do. to Report.	

No. 2. Petty Offence Book prescribed by Circular Order, 12th April, 1811.

No. of Register.	Name of Prosecutor.	Names of Parties accused.	Substance of Charge.	Date.	Abstract of Orders passed.	Final Order.
1.	Ulee Buksh,.....	{ Hurmohun Dwarkanath, }	Assault, ...	2d January,	Summons.	
2.	Shishim, ...	{ Ramshaee Toolsee, ... }	Assault, ...	3d January,	Summons.	

X

No. 3. *Book of Appeals.*

No.	Name of Appellant.	Date of filing Appeal.	From whose Orders Appeal preferred.	Abstract of Orders passed.	Final Order.

No. 4. Book of Reference from other Districts.

No.	Name of District.	Date of Receipt of Reference.	Substance of Reference.	Substance of Orders passed.	Final Order passed.

No. 5. Book of Cases preferred under Act IV. of 1840.

No.	Name of Prosecutor.	Name of Defendant.	Date of filing Petition or of Report.	Substance of Charge.	Substance of Orders.	Final Order.

No. 6. Miscellaneous Matters

No.	Names of Parties.	Date of filing.	Substance of Matter.	Substance of Order.	Final Order.

Register of Persons charged with, or suspected of the Commission of specific Crimes of a Heinous Nature, who may have eluded the pursuit of Justice.

Name and Caste of the person accused or suspected.	Name of the Father.	Supposed Age.	Description of his Person.	Supposed usual place of Residence.	Amount of Reward offered for his apprehension.	Date of apprehension, surrender or ascertained death.	No. of Case, the year in which it was preferred, and in what part of Record Office to be found.

TO THE SEVERAL CRIMINAL AUTHORITIES AND CIVIL SURGEONS IN THE LOWER PROVINCES.

Lower Provinces, 6th October, 1844.

No. 145.

Table of rations for laboring and non-laboring prisoners. Instructions regarding the diet and labor of Convicts, ventilation of jails, &c.

I AM directed by the Court to transmit to you, for your information and guidance, an extract from the orders of the Government, under date the 18th ultimo, with the suggestions of the Medical Board and diet table alluded to, and to request that the report called for by the Hon'ble the Deputy Governor may be submitted to them immediately on the close of the year 1844, with the half yearly statements connected with jails, which will then become due.

Extract from the Orders of the Government, No. 1482, *dated* 18*th September,* 1843.

Para. 3.—Some of the recommendations have been anticipated by the recent order regarding rations*,—such of them, however, as those orders do not meet, should be observed, and the authorities directed to report on them and their results, through the Court and Medical Board, respectively, at the close of a fit period.

4. The diet table which accompanies the Board's report, seems to have been most carefully and judiciously prepared. His Honor particularly desires that the rations therein exhibited, may be *strictly* adhered to in all the jails of this presidency, as regards *quantity,* and, as far as possible, as regards variety of food, and the proportion of the two daily meals.

Extract from a Report of the Medical Board to the Government, No. 11, *dated* 7*th September,* 1843.

In conclusion, we beg leave to enumerate the measures which we consider essentially necessary for the preservation of the health of convicts, and to append a table of daily diet, both for laboring and non-laboring prisoners, which we strongly recommend for adoption in every jail.

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* See the Circular Order No. 143.

Diet.—One cooked meal before and another after labor, during the day, and, in quantity and variety, agreeably to the annexed table.

The quality of the food to be under unremitted supervision.

Its preservation by the convict cooks to be well attended to, and care taken that each individual receives his due share.

Water, if not at hand and procurable of good quality from wells, tanks, or river, should be brought by convicts, in gurrahs or earthen vessels, from the nearest spot where good water is procurable, to enable the working prisoners to quench their thirst with wholesome drink during the day.

Prisoners to be permitted to take with them the whole or any remaining portion of the morning's cooked meal, and eat it whenever inclined during the period of labor.

Raw or Parched Grain to be prohibited.

Labor.—To be exacted with due discrimination in regard to the seasons of the year and to the strength of the convicts.

To be moderated or entirely remitted during an unusual degree of sickness; and when endemic cholera breaks out, the whole or a portion of the convicts to be removed to a healthy spot in the district.

One hour's rest from labor to be allowed in the middle of the day.

On the first symptom of illness of the convict, during working hours, he should be sent immediately to the hospital.

A convalescent period to be allowed, at the discretion of the medical officer, to all convicts discharged from hospital.

Some lighter labor than working on the roads should be devised for prisoners 60 years of age and upwards.

Frequent inspection of the prisoners by the medical officer previous to their leaving jail, with a view of detecting prisoners laboring under illness, and to point out those incapable of much bodily exertion.

Clothing.—The rules in force, to be strictly observed, and the size and quality of the blankets to be attended to.

Jail Buildings.—The jail should be erected on a high and dry site, the floor to be well raised from the ground, with flues underneath, to keep the wards dry; and the walls of the wards should be lofty.

Ventilation is a point of such vital importance, that every measure which can be adopted, should be carried into effect; for, in proportion to the purity and airiness of the wards will be the health of the convicts. Ventilation therefore should be promoted by having ventilators in the upper part of the wall, and spacious iron barred openings on the ground-floors, with an unconfined area on the outside.

Whenever or wherever prisoners are without the full benefit of well ventilated wards, the internal atmosphere soon becomes unfit for respiration; and through want of rest during the night, the prisoners cannot have their strength recruited. Walls of the wards should be thoroughly white washed twice a year, and to the height of six feet from the floor, every quarter.

Privies.—The purity of the wards depends on their situation and construction; they should be exterior to the walls of the wards, and a corridor or passage should lead from the ward to the privy, with a wooden door at the entrance, and in the side walls of the privy should be open spaces, secured with strong iron bars.

A quantity of lime should be daily allowed for their purification.

DIET TABLE exhibiting the quantity and variety of Food which are necessary in the opinion of the Medical Board for the preservation of the health of Laboring and Non-laboring Convicts in Jail.

NON-LABORING CONVICTS.

	Morning Meal.							Evening Meal.								
	Rice.	Dall.	Vegetables.	Ghee.	Salt.	Mussalah per Diem.	Total of each.	Rice.	Dall.	Vegetables.	Fish or Flesh.	Ghee.	Salt.	Mussalah per Diem	Total of each.	Grand Total Daily Food.
	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.
Same Daily*	5	1	0	¼	¼	¼	6¾	6	2	1	0	¼	¼	¼	9¾	16½

WORKING CONVICTS.

	Morning Meal.							Evening Meal.								
	Rice.	Dall.	Vegetables.	Ghee.	Salt.	Mussalah per Diem.	Total of each.	Rice.	Dall.	Vegetables.	Fish or Flesh.	Ghee.	Salt.	Mussalah per Diem.	T tal of each.	Grand Total Daily Food.
	Chittacks.	Chittacks.	Chittacks.	Chittacks	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.	Chittacks.
Monday†	5	2	0	¼	¼	¼	7¾	8	0	2	4	¼	¼	¼	14¾	22½
Tuesday, ...	5	2	0	¼	¼	¼	7¾	9	3	2	0	¼	¼	¼	14¾	22½

* Every day the above quantity the same.

† The above change on alternate days of the week, except on Sundays, when the Laboring Convicts will receive the same as the Non-Laboring Convicts. Up-Country Prisoners should be allowed Wheat Flour instead of Rice.

A small quantity of Tobacco should be allowed, and one and half seer of Fire Wood, should the Cooks require it.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 27th October, 1843.

No. 146.
Additional instructions regarding references to the Chemical Examiner.

IT appearing that many magistrates, under a misconception of the object of the Circular Order No. 110, of 24th June, 1842, have referred all cases involving chemical examination to the chemical examiner to Government, instead of availing themselves of the aid of medical officers of their stations, I am desired by the Court to request, that such references be in future limited to cases of urgent necessity, in which the local medical officer cannot afford the required information and to doubtful cases of poisoning, &c., regarding which there may be need of information for directing the researches of the police.

2. The magistrates are also requested not to call upon the chemical examiner to make affidavits before the chief magistrate of Calcutta, regarding any matter referred for examination, as such affidavits are not legal evidence.

TO THE SESSION JUDGES IN THE LOWER PROVINCES AND THE COMMISSIONERS IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 24th November, 1843.

No. 147.
Particulars to be noted in letters which accompany trials referred or called for.

THE Court desire that in future a note be entered in the margins of the letters which accompany trials referred to the Nizamut Adawlut, and those called for by them, stating distinctly whether the defendants are in jail, or at large on bail, and, in the latter case, from what date.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Court, 25th September, 1843.

No. 148.
Alteration in para. 73 of Rules for the preparation of criminal statements.
See C. O. following.

I AM directed to bring to your notice an error which has been detected in the 73d paragraph of the rules for the preparation of criminal statements according to the new forms, and to request that, for the words "security to keep the peace," which appear in

the first line, you will substitute in the copy furnished for the use of your office, "*penal recognizances to keep the peace.*"

2. A corresponding alteration should at the same time be made in the Urdu version of "The Rules."

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 24th October, 1843.

No. 149.

Circulating a paragraph in substitution of para. 73 of Rules for the preparation of criminal statements.

I AM directed to inform you that the instructions contained in my Circular Letter dated 25th ultimo, [No. 148,] appearing to the Court calculated to induce a greater prolixity of detail, than is either desirable or necessary to the efficient supervision of the criminal administration, have been cancelled. You will be pleased accordingly to expunge from the copy of the rules furnished for the use of your office, both the 73d paragraph, as it originally stood, and the emendation subsequently directed, and to substitute the following paragraph.

PART VI.

"73. In this part are to be entered with the particulars indicated by the headings of the several columns, persons who may be required to furnish security or penal recognizances, to keep the peace on *conviction* of any specific offence, conformably to the provisions of Clause 1, Section 2, Regulation IV. of 1825, and the interpretation of that enactment contained in Construction No. 831."

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 17th November,
Western Provinces, 30th December, } 1843.

No. 150.

Instructions for rendering official communications intelligible in themselves without reference to other documents.

Foreign Depart.

THE subjoined Circular of the Supreme Government is circulated for general observance.

To ———————————————————

SIR,

The Governor General in Council directs that hereafter all servants of the Government, who may have occasion to refer in their letters to any numbered

paragraphs of letters received, will in the margin state briefly the substance of the several paragraphs to which they so refer.

2. Every letter should, as far as possible, be made intelligible in itself, without reference to any other document for the elucidation of its meaning, and great inconvenience to the public service, besides that of delay, may occasionally arise from the letter containing the paragraphs referred to, not being within the reach of the person to whom the letter making such reference is addressed.

TO THE MAGISTERIAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 24*th November*, 1843.
Western Provinces, 27*th January*, 1844.

No. 151.

Prescribing registers of unclaimed property and property of intestates.

THE Courts of Nizamut Adawlut, for the Lower and North Western Provinces, having had under their consideration the means best adapted as checks against the misappropriation of "unclaimed property" and the "property of intestates" coming under the control of the Foujdarry Courts, are pleased to prescribe the adoption of the forms annexed in all future cases of the kind.

FORM No. 1.

ZILLAH ———————— FOUJDARRY ADAWLUT.

Register of Unclaimed Property disposable under Clause 16, *Section* 16, *Regulation* XX. *of* 1817.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Names of Thannahs.	Description of Unclaimed Property.	Date of arrival at the Thannah.	Date of sale (if sold) in the Mofussil.	Date of arrival at the Sudder Station.	Date of sale at the Sudder Station.	Price realized by the sale of the Property.	Signature of the Nazir.	Date on which the price realized, was paid into Treasury.	Receipt and signature of the Treasurer.	Signature of the Magistrate or other Officer.	Remarks.
											If the property has been made over to any claimant who has appeared, it is to be stated in the column of Remarks.

FORM No. 2.

ZILLAH ———— FOUJDARRY ADAWLUT.

Register of Lawaris Property disposable under Section 7, Regulation V. of 1799.

1.	2.	3.	4.	5.	6.	7.	8.	9.
Names of Thannahs.	Names of Individuals deceased.	Description of Property.	Date of Arrival at the Thannah.	Date of Arrival at the Sudder Station.	Date of despatch of Property to the Civil Court.	Signature of the Nazir.	Date of Receipt given by the Civil Authority.	Remarks.

TO THE MAGISTERIAL AUTHORITIES IN THE LOWER PROVINCES AND EXTRA REGULATION PROVINCES.

Lower Provinces, 24th November, 1843.
Western Provinces, 27th January, 1844.

No. 152.

Bodies sent to surgeons for examination, to be accompanied with information as to cause of death.

THE Court are pleased to direct that magistrates, in sending bodies to the civil surgeons, for examination, furnish them with all available information regarding the alleged cause of death.

TO THE SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES AND IN THE SAUGOR AND NERBUDDA TERRITORY, AND THE COMMISSIONER OF KUMAON.

Western Provinces, 16th December, 1843.

No. 153.

Circular No. 22, W. P. 6th May, 1839, cancelled; and session judges in the W. P. required merely to state their opinion of the guilt of persons whose trials are referred.

THE Circular Order of the Nizamut Adawlut No. 22, dated [W. P.] 6th May, 1839, which requires sessions judges, in referring trials for final orders of the Court, to specify the punishment, which, in their opinion, would be adequate to the crime established against the prisoners, having given rise to much practical inconvenience, is hereby cancelled.

2. Sessions judges, in submitting for the orders of the Court their proceedings on trials, which they may be incompetent to dispose of finally, are requested, henceforward, to confine themselves to recording their opinion of the guilt or innocence of the prisoner and of their relative degrees of guilt, should there be more than one prisoner, leaving the measure of punishment to be awarded, to be determined by the Nizamut Adawlut.

+ Explained by C. O. No. 189 infra

SUPPLEMENTARY RULES FOR THE PREPARATION OF THE SESSION JUDGE'S STATEMENTS.*

Statement No. 4.

55. Appeals instituted under Act IV. of 1843, from orders passed by magistrates in the exercise of the powers vested in them by Act 53, George III. Chapter 155, and also from those passed by them as justices of the peace, will be included in the first section of statement No. 4; and with a view to the eventual information of Goverment, respecting the working and effects of the law first cited, a note will be appended in the column of remarks distinguishing those two classes of appeals from ordinary cases.

56. It appearing to the Court that the rules regarding the numbers to be borne by the prisoners and cases, respectively, in the session statements, are defective, and that a want of uniformity is the result, the following instructions are supplied.†

† These instructions supersede the Circular Orders of the Presidency Court, dated 14th July and 24th November 1843, and 2 d February 1844.

Statements Nos. 6, 7, 8, 9, 10.

57. All prisoners committed by a magistrate, in any one month, are numbered by that officer in his calendar of commitments in one continuous series, commencing and terminating with the month, the last serial number indicating the number of persons committed during that period. These numbers should be carefully retained by the session judge in column 2 of his statements Nos. 6 to 9, and column 1, statement No. 10, as the case may be.

Each magistracy will have a separate monthly series of numbers for prisoners committed to the sessions court, so that, if a session judge has three magistracies under him, there will be three series of numbers for prisoners. In districts where there may be two or more officers, vested with the full powers of magistrate, the magistrate of the district will number in one series the whole of the prisoners committed by himself and his subordinates in any one month, and, to enable him to do this, will require the officers who have the power of making commitments, to furnish him with a report of the number of commitments made by each and the number of prisoners in each case.

* Continued from page 129 of this volume.

58. With the object of bringing the particular series, to which such prisoners belong more distinctly into view, session judges will note under each case in column 1 of statements Nos. 6 to 9, the month in which it was committed.

59. The disposals by the session judge in any one month will prescribe the serial numbers to the cases, each series commencing with the first and terminating with the last case decided in each sessions, and the last number of the series being equal to the number of cases disposed of in the same period.

Statement No. 10.

60. Under the above rules, the cases entered in statement No. 10, will be necessarily unprovided with numbers, and hence no column is assigned to that purpose.

61. It is essential to the formation of a just estimate of the discretion exercised by the several officers, vested with the power of making commitments to the sessions, that the name of the committing officer should be recorded in each case, and this not only in one statement, but in all in which such case may appear. This practice, however, has not been strictly and generally observed, owing, it is apprehended, to the absence of a specific direction to that effect in the rules framed for the preparation of the session statements, which assume, that the session judges are familiar with the scope and object of such record. To leave no doubt on the subject, the Court are pleased to direct that session judges, when preparing their returns for submission to the Court, will invariably specify in each of their statements, *i. e.* in column 9 of statements Nos. 6 and 8, in column 13 of statements Nos. 7 and 9, and in the 1st section of column 3, statement No. 10, not only the official designations, but the name also of the committing officer.

62. The Court are pleased to direct, that when there may be no matter for entry in any of the session forms, submitted to this Court, session judges will pass their pen through the designation of such statement or statements in the letter prescribed by paragraph 54 of the rules, and that they will discontinue the transmission of blank returns, as heretofore usual in some districts.

SUPPLEMENTARY RULES FOR THE PREPARATION OF THE MAGISTRATE'S STATEMENTS.*

Statement Nos. 1 and 2.

106. Magistrates or officers in charge of magistracies will append a note in the column of remarks distinguishing the number of cases brought before them as justices of the peace, and any which may be brought before them under Act 53, George III. Chapter 155, the number decided, and the number, if any, removed by writ of certiorari to Her Majesty's Supreme Court in Calcutta.

Statement No. 1. Part 3.

107. With advertence to clause 17, section 19, Regulation XX. of 1817, the heading "unconditionally released," is hereby discontinued; and the fifth heading will, in future, be appropriated to the exhibition of persons whose cases may be pending investigation at the thanna, at the close of the period to which any given statement may refer.

108. It having been suggested to the Court that in the absence of specific instructions, magistrates may fall into the error of entering under heading 2, of part 3, persons who may have been released on bail and accounted for under heading No. 4 of this part, in a preceding statement, the Court are pleased to inform those officers, that a bailed prisoner once entered in statement No. 1, part 3, who will necessarily be transferred to the magistrate's statement No. 1, part 1, on receipt of the thannadar's report, is not again to appear under the 2d heading of part 3, merely because the magistrate requires his attendance through that officer. The rules which apply to prisoners bailed in the first instance by the magistrate himself, will be applicable to the prisoners bailed by the thannadar from the time they are brought on the magistrate's statement.

109. In order that the Court may be kept informed of the application of Acts III. and V. of 1844, and that materials may be collected to serve as data for judging of the general effects of the enactments in question, at a future period, magistrates will add two tables (to be called parts 9 and 10, respectively) to their statements No. 1, at the place and in the form indicated by the following exemplar.

* Continued from page 129 of this volume.

Part 2—Number apprehended during the

or attending on Summons, as per Column 7, Part 1.

By the Police Officers.	By the Magistrate and his Subordinates.	Total.

Part 3—Number of Persons apprehended, sent in or released by the Police.

1. Total number of Persons apprehended,.....	
2. Sent in by order of the Magistrate issued in consequence of the Police Officer's report, ...	
3. Sent in by the Police Officer of his own authority, ...	
4. Released on Bail, ...	
5. Pending investigation at the Thanna,.....	
Total,.....	

Part 4—Details of Columns 11 to 13.

	1.	2.
	Disposed of	

Part 9—Operation of Act III. 1844. Detail of the persons punished under Act III. of 1844, and entered in Part 6, Col. 9.

1. No. of Stripes.	2. Adult offenders.	3. Juvenile offenders.	
Total,			

Part 10—Operation of Act V. of 1844. Detail of Fines imposed under the above Act and entered in Col. 6, Part 6.

No. of Prisoners punished.	Amount imposed under Sec. 2.	Amount imposed under Sec. 3.	Amount realized.

110. It will be observed that the materials for the preparation of part 9, will be drawn from column 9, part 6, and of part 10, from column 6, part 6, of which they will respectively be components. Column 3 of part 10 will not be confined to the exhibition

of the recovery of fines imposed during the period to which the statement refers, but will shew all sums realized, without reference to the time when the fines were imposed.

No. 6.

Abstract Statement of the Criminal Business, &c.

11.	12.
Cases prepared by the subordinate Officers.	
For the Magistrate.	For the Joint Magistrate.

Statement No. 6.

111. Two additional columns, to be respectively numbered 11 and 12, will be introduced in statement No. 6, for the exhibition of cases prepared by the subordinate for the superior officer. In these columns, respect being had to the officer for whose decision the preliminary investigations were made and opposite to the designation of the officer who conducted such investigation, will be entered the cases prepared by each subordinate.

112. With reference to paragraph 1 of the rules for the preparation of the magistrate's statements, the Court observe with satisfaction, that the information thereby required to be submitted in part 1, statement No. 1, is with a few exceptions correctly furnished. It is however desirable that there be no exception and that the paragraph above quoted be made applicable to every officer exercising magisterial functions of whatever degree, whether magistrates, joint magistrates, assistants, principal sudder ameens, law officers, moonsiffs, or deputy collectors. Officers in charge of magistracies are requested to be specially careful in recording the dates of assumption and resignation of each incumbent with accuracy, as the correctness of the annual reports will be tested by this criterion.

113. It being desirable to exhibit in one view the changes in the agency, magistrates are directed to attach additional paper in the manner and at the place shewn in the accompanying sample, when the space allotted may not suffice for furnishing the information required by paragraph 1.

No. 1.

PART 1. STATEMENT OF CRIMES, &c.

Officers employed as Magistrates, Joint Magistrates and Assistants.			2.	3.	4.	5.	6.	7.	8.	9.
Mr.	from	to	Number of Crimes ascertained to have been committed in	Under Trial at the close of			No. of Cases and persons brought to trial during the		Received by Transfer.	
Mr.	from	to		Cases	Prisoners in Jail.	Persons on Bail.	Cases.	Persons.	Cases.	Persons.
Mr.	from	to								
Mr.	from	to								

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th January, 1844.

No. 154.

Ministerial officers not to be employed on lower salaries than those fixed by the Government.

AN instance having come to the knowledge of the Government of native ministerial officers being entertained on lower salaries than those fixed by the Government for the situations they held, and the difference carried to the public credit, the Court, in pursuance of instructions received by them, intimate to the different officers under their control that the honorable the Deputy Governor considers this practice to be extremely objectionable, and desires that it may not, under any circumstances, be repeated.

TO THE OFFICERS IN CHAGE OF JAILS IN THE NORTH WESTERN PROVINCES.

Western Provinces, 27th January, 1844.

No. 155.

Promulgates correspondence with Government on the subject of imposing fetters on native soldiers and camp followers, made over to the civil authorities, to undergo sentences of imprisonment adjudged by courts martial.

THE Court of Nizamut Adawlut promulgate, for the information and guidance of all officers in charge of jails, in the North Western Provinces, copies of the correspondence, particularized in the margin,* which has recently passed with Government, on the subject of imposing the restraint of fetters on native soldiers and camp followers, who may be made over to the civil authorities to undergo sentences of imprisonment, adjudged against them by courts martial.

* Offg. Register to Secy. to Govt. N. W. P., No. 1256, dated 14th Sept. 1843.
From Secy. to Govt. N. W. P., No. 302, dated 23d instant, with annexures.

From the Officiating Register of the Western Court to the Secretary to Government North Western Provinces, No. 1256, *dated* 14*th September,* 1843.

References have been occasionally made by magistrates, to whose charge native soldiers and camp followers, sentenced by courts martial to imprisonment "with labor," have been committed, requesting the instructions of the Court in regard to their competency under the terms of the sentence to impose the additional restraint of fetters; and the instructions issued by the Court, on these applications, have been hitherto wont to be regulated by the particular circumstances of each case, and the representations of the magistrate in respect of it: ordinarily, the imposition of "irons" forms a part of the sentence passed by the criminal authorities on persons, whose offences have rendered

them liable to imprisonment "with labor," and it appears to the Court advisable, that some uniform principle should guide courts martial in recording their sentences, and that some corresponding rule of practice, with a view to the enforcement of that principle, should be promulgated for general observance by the military authorities.

2. In order to effectuate this object, it will only be necessary, the Court presume, that the pleasure of Government should be communicated to the Military Department, accompanied by a request, that if no objection, legal or other, exist, orders should be issued, fitted to secure the specification of " labor in irons" or the reverse, in every sentence of imprisonment passed by a court martial, whenever it may be intended that the prisoner shall undergo his punishment in any of the provincial jails under the control of this Court.

3. A discretion is of course vested in all magistrates to subject any prisoner, guilty of riotous conduct, or of an infringement of the rules prescribed for the management of jails, to the restraint of fetters, whatever his sentence, and by what court soever awarded, whenever such a step may appear indispensable to the maintenance of discipline and order, or the safe custody of the prisoner; but the object of the present address is to procure the promulgation of a rule which shall impose upon courts martial the duty of so framing their penal awards, as that no doubt of their intention regarding the imposition of irons shall remain, and which shall relieve the magistrates and other authorities in charge of jails from the responsibility, on the one hand, of inflicting upon prisoners committed to their custody, a degradation, which may not form part of the recorded sentence, and from their not unnatural repugnance, on the other, to afford to such convicts a facility of effecting their escape, by sending them to labor on the roads, without the ordinary restraint of fetters.

From the Secretary to Government North Western Provinces to the Officiating Register of the Western Court, No. 302, *dated the* 23*d January,* 1844.

In reply to your letter, No. 1256 of 1843, dated 14th September, I am directed by the honorable the Lieutenant Governor to forward, for the information of the Court, the accompanying copy of a despatch from the officiating Secretary to the Government of India, Military Department, dated 15th ultimo, deeming it unnecessary that any legislative enactment should be passed for ensuring the distinct expression of the intentions of courts martial in passing sentences on prisoners who have to undergo their punishment in any of the provincial jails under the control of the Sudder Court in these provinces.

From the Officiating Secretary to the Government of India in the Military Department to the Secretary to Government North Western Provinces, No. 572, dated the 15th December, 1843.

Your despatch, No. 4775, of the 20th October last, relative to the distinct expression of the intentions of military courts martial, in passing sentences on prisoners who have to undergo their punishment in any of the provincial jails under the control of the Allahabad Court, having been referred to his excellency the Commander in Chief, I am directed, in annexing for the information of the honorable the Lieutenant Governor, copy of a letter No. 273, of the 4th instant, from the Adjutant General of the Army, to my address, which has been received in reply, to observe, that the honorable the President in Council deems it unnecessary that any legislative enactment should be passed on the subject, it appearing that the imposition of fetters on convicts is left to magistrates who exercise their own discretion in ordering their use, under the circumstances referred to.

From the Adjutant General of the Army to the Officiating Secretary to the Government of India in the Military Department, No. 273, dated the 4th December, 1843.

I am directed by the Commander in Chief to acknowledge the receipt of your letter, No. 52, of the 3d ultimo, with enclosures, relative to the expediency, or otherwise, of courts martial distinctly expressing in their sentences whether prisoners adjudged to suffer imprisonment with labor, are, or are not, to be subjected to the restraint of fetters, and to convey to you his excellency's opinion on the point in question.

Sentences of imprisonment with labor, passed by native courts martial, are passed either in conformity with the regulations of Government, on trials for criminal offences, or under Act No. XXIII. of 1839, on trials for military offences. In criminal cases, the sentence directs the imposition of fetters, whenever the regulations authorise its being done, and not otherwise; and, thus, the same law which guides the courts of session, or the Nizamut Adawlut, guides courts martial also.

In military cases, courts martial are empowered by the Act No. XXIII. of 1839, to award "imprisonment with or without hard labor," but as no authority is therein given, to direct that the prisoner be subjected to labor "in irons," or "on the roads," a court martial cannot legally, the Commander in Chief thinks, introduce the words

into their sentence. By the authority conveyed in a circular from the Court of Nizamut Adawlut in Calcutta, No. 122, of the 11th March, 1813, the imposition of fetters on convicts would, his excellency remarks, seem to be left to the discretion of the magistrate.

If it be deemed advisable to confer on courts martial the discretionary power of awarding imprisonment, with or without hard labor in irons, or otherwise, such power must, his excellency conceives, be specially conferred by an Act of Government.

TO THE SESSION JUDGES AND MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 9th February, 1844.

No. 156.

Para. 1, C. O. No. 100, modified. Appeals from orders of officers vested with powers of an assistant awarding a punishment beyond the limitation in Sec. 8, Reg. IX. 1793, lie to the session judge.

THE Courts of Nizamut Adawlut for the Lower and Western Provinces have ruled that every order of an assistant to a magistrate not vested with special powers, of a principal sudder ameen, sudder ameen, or law officer, passed in a criminal trial, or proceeding, awarding a higher punishment than that prescribed by section 8, Regulation IX. 1793, is appealable to the session judge.

2. The circular order No. 100, dated Lower Provinces 7th and Western Provinces 28th January 1842, is to be corrected accordingly.

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 20th February, 1844.

No. 157.

Orders passed by magistrates under Act XXI. 1841, are appealable to session judges only.

IT has been ruled by the Courts of Nizamut Adawlut, for the Lower and Western Provinces, that all orders passed by magistrates for the removal of obstructions and nuisances on thoroughfares, or for other conservancy purposes, under the provisions of Act XXI. of 1841, are appealable to the session judges only,—who are accordingly required to take cognizance of all such matters, when brought before them.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 1*st March,*
Western Provinces, 12*th April,* 1844.

No. 158.

Rule for calculating the period within which an appeal should be lodged or any official act done.

TO secure uniformity of practice regarding the mode of calculating the period within which an appeal should be lodged or any official act done, the Court desire it to be understood, that when the period consists of days or weeks, the full number of days or weeks mentioned in the order should be allowed, exclusive of the day on which the order is passed, and that when a month or a year is mentioned, the month or the year should be reckoned according to the English calendar, that is to say, the month should not be invariably reckoned at thirty days, and the year should comprise twelve English calendar months.

TO THE CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 2*d March,* 1844.

No. 159.

Supersedes paragraph 1 of Circular Order Nizamut Adawlut, No. 100, dated 28th January 1842, and declares all orders passed by assistants to magistrates and others under the provisions of Section 20, Regulation IX. of 1807, and Clause 3, Section 3, Regulation III. of 1821, to be appealable to the sessions judge.

THE Court, after consultation with the Nizamut Adawlut in Calcutta, have ruled in supersession of paragraph 1, Circular Order, Nizamut Adawlut No. 100, dated (Western Provinces,) 28th January, 1842, that every order of an assistant to a magistrate not vested with special powers, of a principal sudder ameen, sudder ameen, or law officer, passed in a criminal trial or proceeding, adjudging a penalty of fine and imprisonment, agreeably to the provisions of Section 20, Regulation IX. of 1807, and Section 3, clause 3, Regulation III. of 1821, which penalty exceeds the limitations enacted in Section 8, Regulation VI. of 1803, is appealable to the sessions judge.

2. In like manner, whenever in cases of petty theft, the extended powers conferred by Section 20, Regulation IX. of 1807, and clause 3, Section 3, Regulation III. of 1821, upon assistants to magistrates not vested with special powers, principal sudder ameens, and law officers, may be called into exercise by those functionaries, respectively, the orders of each, and all in such cases, have been held to be appealable to the sessions judge.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th April, 1844.

No 160.

Prohibition against giving copies of letters or resolutions of the Court. The prohibition not applicable to sentences of the Nizamut Adawlut.

THE Court request that, whenever applications are made to you for copies of any letters from, or resolutions passed by them, you will refer the applicants to the Court, instead of granting the copies asked for.

2. This rule is not to be considered to apply to the sentences of the Nizamut Adawlut in criminal trials.

TO THE OFFICERS IN CHARGE OF JAILS IN THE NORTH WESTERN PROVINCES, INCLUDING SAUGOR AND KUMAON.

Western Provinces, 19th April, 1844.

No. 161.

Promulgates, for the information and guidance of officers in charge of jails, instructions for providing means of daily ablution to the prisoners.

WITH reference to the circular orders of the Nizamut Adawlut, No. 669, dated 16th May, and published in the Government Gazette of the 6th June last, the Court publish, for the information and guidance of all officers in charge of jails, in the North Western Provinces, extract (paragraphs 2, 3, and 10,) from the orders of Government, dated 23d ultimo, pointing out the measures which should be adopted, in all practicable cases, for providing means of daily ablution to the prisoners in their custody.

Extract (paragraphs 2, 3 *and* 10,*) from the orders of Government, dated* 23*d March,* 1844, *No.* 1085.

Para. 2. As regards the general question, it appears that there is no plan so advantageous as that of a good sized tank in the immediate neighbourhood of the jail, but outside the walls. The practice of bathing within the walls, in the well from which water is drawn for drinking, is open to objection, on two accounts; part of the water runs back into the well, thus impairing its quality for drinking purposes, while the remainder is apt, unless a very good system of drains is established, to render that part of the interior of the jail wet and dirty.

Para. 3. It is thought that in most places a tank 120 feet square, and 10 feet deep, would be large enough for the purpose, and would retain water throughout the year,

such a tank would be dug by 100 prisoners in from two to three months without further expence to Government. In most jails there are convicts for life, whom it is not advisable to employ at a distance from their place of confinement, and whose labor might well be made available for such a work.

Para. 10. In conclusion, I am desired to observe that wherever difficulties still remain for procuring the means of ablution for the prisoners in the vicinity of the jail, it is almost always practicable to allow them these means during the interval of labor, which it is understood that they generally enjoy in the middle of the day.

TO THE MAGISTRATES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 23d April, 1844.

No. 162.

Calls attention to Circular Order addressed under this date to the civil judges, prescribing rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder station.

THE Court call the attention of magistrates in the North Western Provinces, to a Circular Order addressed, under this date, to the civil judges, regarding the practice to be in future pursued by moonsiffs and others, in transmitting records of monthly decisions to the sudder station, and request, that the police darogahs subject to their control, may be furnished with the requisite instructions for giving effect to the directions therein contained.

CIRCULAR TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES, DATED 23D APRIL, 1844.

Prescribes rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder station.

The Court, having had under consideration, returns to their Circular Order, No. 492, dated 10th March 1843, and published in the Agra Government Gazette of 28th idem, calling for information regarding the practice, observed by the several subordinate courts in transmitting the records of monthly decisions to the sudder station, are pleased, with the sanction of Government, to issue the following instructions for general observance.

2. By Clause 8, Section 10, Regulation XX. of 1817, police daroghas are required to forward by the thanna dawk or by their burkundauzes, "as occasions may offer," papers sent to them by the subordinate civil judges for that purpose; on the other hand, the transmission of the records of monthly decisions is directed to be periodically made, and cannot, if the rules prescribed by Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, are to be enforced, be allowed to depend on the occasional opportunity which a police darogha may think fit, either to improve, or, on the other hand, to leave unheeded; independently of this, the Court

observe the increased bulk of the records of the subordinate tribunals, arising from the enlargement of their powers, and the consequent accession of judicial business before them, opposes a serious obstacle to the employment of the thanna dawk, as a means of conveying them to the sudder station.

3. The Court, however, adverting to the occurrence which gave occasion for the Circular Order of this Court, dated 10th March 1843, are not disposed to dispense with the attendance of a police burkundauze, which is authorised by law and affords some security for the safe arrival of papers in transit; and they are pleased accordingly, with the permission of Government, to direct that the subordinate judicial officers forward the records of monthly decisions by a specified date, to the nearest thanna, for transmission to the sudder station, taking a receipt from the darogha, or in his absence, from the head officer present at the thanna. It shall be the duty of the police darogha to despatch the papers in question, without delay, to the sudder station, under charge of a burkundauze, indenting on the magistrate for the expence incurred in their conveyance, and submitting to the judge a duplicate of the account for his information. The items of expence thus incurred will be charged in the monthly contingent bills of the magistrate's office.

4. The judges are requested to determine the period, within which each moonsiff shall be required to have his records of monthly decisions delivered to the police darogha, with due advertence to the necessity of enforcing the provisions of Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, and with reference to the distance of each receiving thanna from the sudder station.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 6th May, 1844.

No. 163.

In supersession of Construction No. 816, interference by magistrates in the election, recognition, or removal of chowdhrees, prohibited.

BY the Construction of the Nizamut Adawlut No. 816, dated the 23d August 1833, magistrates were declared competent to "remove the chowdhrees of the several trades and professions." The Court having re-considered the subject of this Construction, and the principle which it involves, are persuaded that it is based on an incorrect view of the chowdhrees' position, and of the relation in which he stands towards the members of the trade or profession on the one hand and the Government on the other.

2. The chowdhree is the head of the profession, selected and appointed by its members in the exercise of their free choice, with which the Government have no power to interfere, and with them rests the option of dispensing with his services, whenever he

may have forfeited their confidence, by abusing the influence incident to his position, or acting detrimentally to their interests.

3. The Court are pleased therefore, with the sanction of Government, to declare Construction No. 816 superseded, and to prohibit any interference on the part of the magisterial authorities in the election, recognition, or removal of chowdhrees, of whatever trade or profession.

TO THE SEVERAL SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES AND TO THE COMMISSIONER OF KUMAON.

Western Provinces, 14th May, 1844.

No. 164.

Attention of the session judges directed to requirement of Circular Order, No. 110, dated 29th June, 1832.

CIRCULAR Order No. 110, dated 29th June 1832, having fallen into partial disuse, and the inconvenience, which it was designed to remedy, having been thus revived, the Court are pleased to direct the attention of the sessions judges to the said order, and to request, that in forwarding the proceedings in criminal trials, &c., called for by the Court, they will invariably annex thereto, an extract from the sessions statements, containing whatever information was conveyed in them, relative to the case called for.

TO THE SEVERAL SESSIONS JUDGES AND MAGISTRATES IN THE NORTH WESTERN PROVINCES, INCLUDING THE SAUGOR AND NERBUDDA TERRITORIES, AND THE COMMISSIONER AND SENIOR ASSISTANTS OF KUMAON.

Western Provinces, 14th May, 1844.

No. 165.

Notifying that section 2, Act XXXI. of 1841, confers upon every convicted offender the privilege of demanding a rehearing of his case, and that it is incumbent on the appellate authorities to examine the proceedings of the lower courts, in every case, whether it be a criminal trial or judicial proceeding, other than a criminal trial.

WITH reference to the Circular Orders of this Court, No. 842, dated 19th June, 1843, the Court notify, for the guidance of the sessions judges, in the North Western Provinces, and for general information, that section 2, Act XXXI. of 1841, has been held, by the concurrent opinion of the majority of the two Courts of Nizamut Adawlut, to confer upon every convicted offender the privilege of demanding a re-hearing of his case, or, in other words, a second trial; it has been, on the same principle, determined, that the mere reception of a petition cannot be considered equivalent to the "appeal permitted" by the Act, but that it is incumbent on the appellate authorities to call for, and examine the proceedings of the lower courts in every case, whether it be a "criminal trial," or a "judicial proceeding other than a criminal trial," from the sentence or final order in which an appeal may be preferred to the superior courts.

2. The Court accordingly inform the appellate authorities, enumerated in section 2, Act XXXI. of 1841, that they are incompetent to reject petitions of appeal of what kind-soever, presented to them, within the prescribed time, without a revision of the proceedings held in the lower court, and that it is incumbent on them, however manifest the legality or the propriety of the decision passed by the court of first instance may be, to call for, and examine the proceedings of the said court, in every instance of an appeal being instituted before them.

TO THE CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES, INCLUDING SAUGOR AND KUMAON.

Western Provinces, 17th May, 1844.

No. 166.

Resolution regulating the future practice of the Nizamut Adawlut N. W. P, in receiving petitions of appeal from sentences in criminal cases of lower courts.

THE Court publish, for general information, a resolution agreed upon under date the 17th instant, regulating the future practice of the Nizamut Adawlut for the North Western Provinces, in the matter of receiving petitions of appeal from sentences passed in criminal trials by the lower courts, and request, that the sessions judges and magisterial authorities will take measures to make the purport thereof known to all whom it may concern.

2. The rule of practice resolved upon, will come into operation on the 1st July next ensuing.

At a Court of Nizamut Adawlut held at Agra on Friday, the 17th of May 1844—

PRESENT:

B. Taylor,
G. P. Thompson and } Esquires,
J. Davidson,

Judges.

Read a letter from the register of the Nizamut Adawlut in Calcutta, No. 294, dated 23d February last, relative to the practice pursued by that Court in the reception of petitions of criminal appeal, under Act XXXI. of 1841, from third parties, calling themselves relatives of the prisoners, without authority from the real appellants.

Resolved, that the said practice, which is found to have been observed by this Court from its first institution to the present time, is beyond the requirements of law, and in practice objectionable, and that it be forthwith discontinued.

Resolved, further, that henceforth no petition of criminal appeal, even though preferred within the limit of time prescribed by section 2, Act XXXI. of 1841, shall be considered admissible, unless presented by the appellant in person, or by a duly authorised representative; and that all petitions presented in opposition to this rule, shall be rejected, as of course, and put into the record office, without any order being recorded thereupon.

Ordered, that this resolution be adopted as a rule of practice in the reception of petitions of criminal appeal in this Court, and be brought into operation on the 1st July next ensuing.

Ordered, further, that the said resolution be published in the Agra Government Gazette for general information.

TO THE OFFICERS IN CHARGE OF JAILS IN THE NORTH WESTERN PROVINCES.

Western Provinces, 21*st May*, 1844.

No. 167.

Intimates, that the Military Board have authorised the white-washing of jail wards at stated periods, and oftener, if needful, on the written application of the officers in charge.

WITH reference to the suggestion, contained in the 81st paragraph of the Court's printed report on the administration of criminal justice for 1842, copies of which have been transmitted for the use of the several criminal authorities in the North Western Provinces, the Court notify, that the Military Board have issued instructions, authorising the white-washing of jail wards once in every quarter if necessary, and, oftener, on emergencies, on a written application to that effect being addressed by the officers in charge of jails, to the executive engineer of the division.

TO THE MAGISTRATES AND OFFICERS IN CHARGE OF JAILS IN THE NORTH WESTERN PROVINCES, INCLUDING SAUGOR AND KUMAON.

Western Provinces, 21*st May*, 1844.

No. 168.

Notifies the result of correspondence on the present system of dieting and labor, and directs the particular

THE Court, having had under consideration the returns to their Circular letter, No. 794, dated 6th June last, regarding the state of the jails in these provinces, and the effects of the present system of dieting and labor on the health of those subjected to its influence, have, in communication with the Government of the North Western Provinces,

attention of the officers in charge of jails to the propriety of allowing meridian intermission of labor, and proportioning labor exacted to the physical ability of the prisoners.

and, in concurrence with the opinions expressed by the majority of magistrates and medical officers consulted, rejected the scheme, proposed by the Medical Board in Calcutta, of allowing to prisoners two cooked meals daily, as involving the occupation of too much time, and being incompatible with the due exaction of convict labor, and, as being opposed to the habits of the laboring classes, of whom the inmates of jails are, for the most part, composed. It is now sufficient, in the opinion of the Court, to intimate, that though the option, accorded by Circular Order, No. 107, dated 4th May 1842, of allowing a daily ration up to the measure of one seer to each prisoner, still remains in force, less may well be given at the discretion of the magistrate and medical officer, and to direct that the scale of diet, within that limit, shall be varied according to the age, sex of, and amount of labor exacted from, the prisoners.

2. On inspection of the returns alluded to, it is found, that the practice of meridian intermission of labor, of longer or shorter duration, according to the season of the year, almost universally prevails, and that in the jails of the North Western Provinces, some system, more or less effective according to the efforts and ability of individual magistrates, of classifying prisoners according to physical strength, is observed, a distinction being maintained between the kind of work assigned to the weak and aged, and that given to the robust. The Court, however, consider these precautions of sufficient importance, to be more particularly urged upon the attention of the magistrate, as being closely connected with the internal economy and discipline of the prisons, and well calculated to promote the health of those confined within their precincts.—The magistrates will be expected to communicate freely with the medical officers in charge of jails on these points, and to exercise a sound discretion, in allowing a cessation from labor during the heat of the day, and in proportioning the amount and description of labor to the physical ability of those from whom it is exacted.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 11th June, 1844.

No. 169.

Attention called to C. O. No. [illegible] 21st Oct. 1842, regarding indents for lithographic forms. 12/

THE Court having ascertained, that the injunction contained in the Circular Order, No. [illegible] dated 21st October, 1842, has been frequently disregarded, and having, in consequence, been troubled with numerous references from the superintendent of the Government lithographic press, are pleased to recall the attention of the civil and criminal authorities to the same, and to direct that when indenting for statements, &c., they

will invariably forward with their indents "a specimen of the smallest size of paper, on which the forms may be executed without material inconvenience."

TO THE MAGISTRATES AND OTHER OFFICERS IN CHARGE OF JAILS IN THE NORTH WESTERN PROVINCES.

Western Provinces, 19th June, 1844.

No. 170.

With reference to Circular Order No. 167, dated 21st ultimo, notifies, the magistrates and other officers in charge of jails, will be held responsible for their being kept in pure and cleanly condition.

WITH reference to Circular Order Nizamut Adawlut, North Western Provinces, No. 167, dated 21st ultimo, the Court direct the publication of the following extract, [paragraph 1,] from a letter addressed by the executive engineer of the 10th division to the superintending engineer, North Western Provinces, thinking it possible, that the noxious and objectionable practices, which are therein described, as obtaining in some of the jails under his charge, may be found to prevail in others, and deeming their prohibition and abandonment essential to the cleanliness and salubrity of those buildings; magistrates and other officers having charge of jails, being at liberty, under the instructions above cited, to require the white-washing of jail wards once in every quarter, and oftener if necessary, will be held responsible for their being kept in pure and cleanly condition; if the prevention of defilement be impossible, the remedy is at hand, and the application thereof rests with the magisterial authorities.

Extract [paragraph 1,] from a letter from Captain J. N. Sharp, executive engineer 10th division, to Major F. Abbott, superintending engineer, North Western Provinces, dated 1st May 1844.

"In reply to your letter, No. 3113, of the 2d ultimo, and its annexure, on the subject of white-washing jail buildings generally, and of the —— one in particular, I beg to state for your information, that, as far as my own observation extends, more than usual pains are taken in the white-washing of these buildings, and for their dirty appearance, no blame can be attached to this department, whilst the prisoners are permitted to spit upon the walls until they are caked with filth, to smoke, and to burn fires in the buildings, as I have invariably witnessed, when inspecting them; for several feet above the floor, the walls are so greasy, that no white-wash will adhere to them, and even when this has been affected, it is immediately removed by the prisoners rubbing against them."

TO THE SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 5th July, 1844.

No. 171.

Attention of session judges called to Act XXIV. 1843, regarding form of trial of decoity cases.

THE Court observing that it is still the practice in some districts to try dacoitee cases with the assistance of a law officer, request the attention of the session judges to the provisions of sections 2 and 3, Act XXIV. 1843.

TO THE SESSION JUDGES AND COMMISSIONERS IN THE LOWER PROVINCES.

Lower Provinces, 19th July, 1844.

No. 172.

Dates of sentences appealed from and of presentation of petitions, to be noted by session judges in their letters.

THE Court request that you will enter, in the margins of the letters with which you may transmit petitions of appeal from your own sentences, the dates of the sentences appealed from and of presentation of the petition.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 26th July, 1844.

No. 173.

Officers vested with the full powers of magistrates, under Act XV. of 1843, are competent to make commitments to the sessions.

TO remove doubts which may exist on the point, the Court are pleased to notify, for general information, that officers invested with the full powers of magistrate, are competent to make commitments to the sessions in cases referred to them which may be beyond their competency to decide.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower and Western Provinces, 26th July, 1844.

No. 174.

Remarks on the meaning and application of Act III. 1844.

DOUBTS having been expressed, regarding the meaning and application of certain parts of Act III. of 1844, it is notified, for the information and guidance of the criminal authorities, that, by the concurrent opinion of the Courts of Nizamut Adawlut for the Lower and Western Provinces, it has been determined that "magistrates," "joint magistrates," and "persons lawfully exercising the power of a magistrate," are alone competent to award corporal punishment, relatively to the definition of the term "magistrate," given in Section 4, Act II. of 1839.

2. By Section 1 of the Act, magistrates are declared *competent*, in certain cases, to inflict corporal punishment on adult offenders, and are at liberty, therefore, whenever they may deem such a course preferable, to sentence such offenders when convicted of theft of property not exceeding rupees 50 in value, to the other penalties prescribed by pre-existing laws for that offence. Section 2, on the other hand, leaves no discretion whatever to the magistrate as regards juvenile offenders—imperatively enacting that he shall punish such in cases of the nature under notice, rather in the way of school discipline, than ordinary criminal justice, by sentencing them to undergo corporal punishment with a light ratan.

3. A question has arisen regarding the course to be pursued towards persons convicted a second time of theft of property not exceeding rupees 50 in value, whether corporal punishment should be repeated, or other regulations, providing for such contingencies, enforced. Referring to the above construction of this law, which leaves the infliction of corporal punishment, or the imposition of other penalty on adult offenders, in cases falling under its provisions, discretionary with the magistrate on primary conviction, the Courts of Nizamut Adawlut have ruled, that, as regards those offenders, a similar discretionary power is vested in the magistrate, relatively to secondary convictions, and, further in maintenance of the broad distinction between the cases of adult and juvenile offenders, have determined, that if a juvenile offender who may have been once sentenced to corporal punishment be still, on the occasion of his re-apprehension, and second conviction of theft of property, not exceeding rupees 50 in value, of such tender years, as to require, in the opinion of the magistrate, that he should be punished rather in the way of school discipline than ordinary criminal justice, it will be incumbent on the magistrate to pass sentence of corporal punishment.

4. From the definition of "magistrate," contained in the 1st paragraph of this order, it will, of course, be understood that corporal punishment must be inflicted in the presence of the "magistrate," "joint magistrate," or other "person lawfully exercising the power of a magistrate."

TO THE SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 22d August, 1844.

No. 175.

Attention of session judges to sections 2 and 3, Act XXIV. of 1843, requested, and discontinuance of practice of trying dacoitee cases with aid of law officers directed.

THE Court of Nizamut Adawlut for the North Western Provinces request the attention of the session judges to the provisions of sections 2 and 3, Act XXIV. of 1843, and direct that the practice, if still prevalent, of trying dacoitee cases with the assistance of a law officer, be discontinued.

TO THE MAGISTERIAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 24th August, 1844.

No. 176.

Interdicts the practice of pressing trades people and artisans to follow military camps, with or without remuneration, by magistrates.

IT is believed, that commissariat officers, on the formation of large camps, and the aggregation of large bodies of troops, have been in the habit of requiring the intervention of magisterial authority in procuring the attendance of trades people and artificers, of various denominations, to accompany such camps without remuneration, asserting, that they must trust to their chance of private employment while with the camp, for their recompence; with such requisitions, magistrates have ordinarily complied without objection, and without reference to the illegality and injustice of such impressment.

2. The subject having been recently brought to the notice of the Court, and represented to Government, the Military Board were requested to prevent the magistrates being called upon to enforce the attendance of artificers and trades people in military camps, or to explain the principle, on which the practice rested, and they have in the subjoined letter (which is published for general information,) disclaimed all participation therein, adding that "the impressment of men, whether for bazars or other purposes, is strictly prohibited."

3. Magistrates are accordingly requested to observe, that all requisitions of the nature above described, are discountenanced by the Military Board, that compliance therewith is denounced as "illegal and unjust," and that the responsibility of withholding such compliance from applications for the illegal exercise of their authority devolves upon them solely and entirely. The practice of pressing trades people and artisans to follow military camps, with or without remuneration, is hereby strictly interdicted, and the magisterial authorities will be careful in future to exert their official influence, in aid of the commissariat officers, only in such mode and measure, as may be consistent with the requirements and directions of law.

Copy of a letter No. 1, *dated* 16*th July,* 1844, *from the Military Board to the Hon'ble the Lieutenant Governor, North Western Provinces.*

HON'BLE SIR,—"We beg to acknowledge the receipt of Secretary Mr. Thornton's letter No. 2275, of the 15th ultimo, with its accompanying copy of a communication from the Court of Nizamut Adawlut and enclosures, on the subject of compelling artisans and trades people to follow military camps, and in reply to state, that we consider the practice brought to notice altogether illegal and unjust, and one in which we beg to

disclaim any participation. The impressment of men, whether for bazars or other purposes, is strictly prohibited, and it is not our wish, nor we may safely assert that of the commissariat, that it should be continued any longer.

2. "The magistrate of ——— states that the practice in question is illegal, and yet acknowledges, that he or his predecessors have, for a series of years, been in the habit of so acting illegally, on the mere request of a commissariat officer. We would suggest, that the magistrate be advised, that it rests entirely with himself to refuse compliance with any application for the illegal exercise of his authority."

TO THE MAGISTERIAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 4th September, 1844.

No. 177.

Forbidding the bestowal of money, new clothes, &c., on condemned criminals before they are led to execution.

THE Court of Nizamut Adawlut, for the North Western Provinces, having had under their consideration the returns to their circular letter, No. 899, dated 1st June last, regarding the bestowal of money, new clothes, &c., on comdemned criminals before they are led to execution, are pleased to interdict the practice, which is found to have been generally prevalent, and to prohibit all such donations and indulgences, as being calculated to detract from the force and effect of the solemn warning which the adjudgment of the last penalty of the law is designed and intended to convey.

TO THE SEVERAL SESSIONS JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 6th September,
Western Provinces, 11th October, } 1844.

No. 178.

With reference to Regulations II. 1823, and VI. 1828, regarding affrays attended with homicide, point to be noticed by session judges in their remarks on trials for that offence, if a sentence of less than five years' imprisonment be passed.

THE Court, having reason to believe that session judges, in awarding sentence on conviction of the offence of affray attended with homicide, do not pay attention to the provisions of Regulations II. 1823 and VI. 1828, direct me to desire that whenever in such cases a sentence less than five years' imprisonment may be awarded, you will invariably insert in your remarks on the trial, that the affray was not premeditated on both sides.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 13th September, 1844.

No. 179.

Jailors declared entitled to pension.

I AM directed by the Court to transmit to you for your information the accompanying copy of a letter No. 1395, dated the 3d instant, and its enclosure, from the Under Secretary to the Government of Bengal, authorizing jailors to be included in the list of public servants entitled, under existing pension rules, to a superannuation pension.

From the Government of Bengal to the Court, No. 1395, *dated the* 3*d September,* 1844.

I am directed by the honorable the Deputy Governor of Bengal to forward the accompanying copy of a resolution passed by the Government of India, in the Home Department, under date the 17th ultimo, authorizing jailors when duly qualified, by service and good conduct, to be included in the list of public servants entitled, under the existing pension rules, to a superannuation pension.

2. The Court are requested to communicate these orders to all the officers in charge of jails within this Presidency.

No. 151.

Home Department, the 17*th August,* 1844

Read again a letter from the Secretary to Government of Fort St. George, No. 368, dated the 10th June last, with its enclosure, recommending that jailors may be included in the list of public servants entitled to a superannuation pension.

Read again a letter to the Secretary to the Government of Bengal, No 350, dated the 6th ultimo, enquiring whether jailors, under the Bengal Presidency, are entitled to superannuation pensions.

Read a letter from the Under Secretary to the Government of Bengal, No. 1202, dated the 25th idem, stating that the pension rules of the Bengal Presidency contain no provision for the grant of retiring allowances to jail darogahs, although police darogahs are included in the list of public servants to whom the rules are applicable, and conveying the opinion of the honorable the Deputy Governor that the responsibility attaching to the situations of jailors entitles them to some reward for long and faithful services.

Read again the pension rules passed on the 4th January 1831.

Resolution.—The Governor General in Council concurring in opinion with the Governments of Madras and Bengal, that this class of public servants should be permitted to share in the benefit of the rules in question.

Ordered: That the Governments of Bengal, Madras, Bombay and the North Western Provinces be authorized to include jailors in the list of public servants, entitled, under the existing pension rules, to a superannuation pension.

Ordered also: That a copy of this resolution be sent to the Financial Department, whence the necessary communication will be made to the offices of audit and account.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND EXTRA REGULATION PROVINCES.

Lower Provinces, 20th September, 1844.

No. 180.

Attention called to Act XVIII. 1844, which relieves the Nizamut Adawlut from the control of jails.

I AM directed by the Court to call your attention to Act XVIII. of 1844, with a view to your addressing the Government direct on all matters therein indicated, regarding which you hitherto corresponded with the Nizamut Adawlut.

TO THE SESSION JUDGES IN THE NORTH WESTERN PROVINCES AND SAUGOR AND NERBUDDA TERRITORIES, AND THE COMMISSIONER OF KUMAON.

Western Provinces, 24th September, 1844.

No. 181.

Explanatory of Circular Order, Nizamut Adawlut, No. 153, 16th December, 1843.

THE Court hereby notify, that the instructions contained in paragraph 2 of Circular Order, Nizamut Adawlut, No. 153, dated 16th December 1843, are intended to apply to trials held with the assistance of a law officer, and to none other.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 27th September, 1844.

No. 182.

Rules to be observed in cases of criminals led to execution.

THE Court, having had before them the replies of the several magisterial authorities to their Circular Order No. 7, of the 26th April last, are pleased, with the sanction of Government, to direct that, in all future cases, condemned criminals, if not possessed of decent clothes, be invariably supplied with a suit and a cap, and, at the same time, to prohibit the practice heretofore existing in some districts, of allowing music, money, and other indulgences.

TO THE SEVERAL SESSION JUDGES AND COMMISSIONERS IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 27th September, 1844.

No. 183.

In modification of Circulars No. 233, 8th May 1820, and No. 307, 11th February 1825, session judges declared to be empowered finally to acquit persons proved to have committed penal offences while laboring under insanity, but required to report such cases for the orders of the Court regarding the safe custody of the prisoner.

THE Circular Order of the Nizamut Adawlut, No. 233, dated 8th May 1820, requires that in cases of persons convicted of having committed any penal act, while under the dominion of insanity, the session judges shall invariably submit their proceedings, together with the magistrate's proceedings, held on the commitment of the prisoner, to the Nizamut Adawlut "for revision and final sentence,"—provided that the crime charged in the indictment, be such, as would render a reference to that Court necesary.

2. The Courts of Nizamut Adawlut for the Lower and Western Provinces having reconsidered the principle of this Circular Order, are of opinion that it is based on an incorrect view of law, and opposed to proper judicial practice. It is a maxim of English law, that insanity incapacitates from crime; and, in the 6th paragraph of Circular Order of Nizamut Adawlut, No. 307, dated 11th February 1825, in accordance with this maxim, it is remarked that "satisfactory proof of insanity at the time of the act being committed, as it would preclude the imputation of guilt, must also exempt the insane person from conviction and punishment." Regarded in this light, a finding of insanity at the time of the deed being committed, is tantamount to a declaration of the innocence, and necessarily to be followed by a sentence of acquittal in favor, of the prisoner, and renders the reference of the trial for the "final sentence" of the Nizamut Adawlut superfluous, since session judges, being competent to determine the value of evidence, and empowered, on finding it insufficient, to acquit finally, prisoners arraigned for offences punishable only by the Nizamut Adawlut, must by parity of reasoning be held equally competent to pass sentence of acquittal on person found to have committed penal acts, while in a state of mental aberration, even though the power to punish the perpetration of such acts by responsible agents, rest only with the Nizamut Adawlut.

3. On these grounds it has been held by the Courts of Nizamut Adawlut, for the North Western and Lower Provinces, that a judgment of the nature abovementioned—that of a party having committed a penal act, while in a state of insanity, is equivalent to a final sentence of acquittal, and that such sentence pronounced by a session judge being legally intangible and irreversible by the Nizamut Adawlut, precludes the necessity of a reference of the trial to that Court for judgment in regard to the guilt or innocence of the prisoner.

Circular Order Nizamut Adawlut, No. 233, dated 8th May 1820.

† 4. In modification, therefore, of the Circular Orders quoted marginally, the Court are pleased to determine that session judges shall be held empowered to acquit finally all

† See C. O. N. A. No. 24 infra

parties, proved to have committed penal offencess while laboring under insanity, and shall be required only to report such cases for the orders of the Court in regard to the future safe custody of the prisoner, whenever the crime charged may be such as, if committed by a responsible agent, would have rendered a reference to the Nizamut Adawlut necessary. On receipt of these orders, sentence will issue in the form prescribed by Circular Order, Nizamut Adawlut, No. 62, dated 4th September 1840.

Circular Order No. 307, dated 11th February 1825.

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 4th October, 1844.

No. 184.

The powers exercised by the several officers of each district, to be specified in part 1, Statemont No. 1.

THE Court request that in future the extent of the powers exercised by the several officers of each district, be specified in part 1, statement No. I., under the head "Officers employed as Magistrates, &c." for example:

Mr. ———————— Magistrate or Joint Magistrate.
Mr. ———————— Assistant with special powers.
Mr. ———————— Assistant.
Mr. ———————— Deputy Magistrate, exercising powers of an assistant, *or* exercising special powers.
Mr. ———————— Principal sudder ameen, exercising powers of a magistrate, *or* of an assistant.
Mr. ———————— Sudder ameen, exercising special powers.
Moulvy ———————— Law officer, with special powers.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 18*th October,*
Western Provinces, 29*th November,* } 1844.

No. 185.

Rule 1 of Circular Order No. 82, Vol. III. regarding service of processes, under Act XXIII. 1840, modified.

THE following rule, in modification of the 1st rule of the Circular Order No. 82, dated L. P. 1st March and W. P. 18th June 1841, on the subject of Act XXIII. 1840, is published for general information.

See at No 205 infra

Every criminal process will be directed to the justices of the peace for the town of Calcutta, but forwarded in an envelope to the Hon'ble Company's attorney, either by dawk or by the hands of a peon or other public officer as may be most convenient, with a letter drawn up agreeably to the annexed form A. The Honorable Company's attorney will prepare it for endorsement by a Judge of the Supreme Court, and, after endorsement, transmit it (accompanied with the letter abovementioned) to the police office for execution.

2. The words "the deputy sheriff" occurring in the 3d and 6th of the rules of the abovementioned Circular Order are to be altered to "the Honorable Company's attorney."

A

TO THE HONORABLE COMPANY'S ATTORNEY,

CALCUTTA.

SIR,

I beg leave to enclose (a notice* to be served on the parties therein named) which I request you will have the goodness to present to the Judges of Her Majesty's Court agreeably to Act XXIII. 1840.

* (A proclamation to be affixed to the outer door of the house in which the parties reside.)
or
(A Subpœna to be served on the witnesses therein named)
or
(A Warrant to seize and apprehend the witnesses therein named) and so forth, mutatis mutandis.

2. On intimation being made to me of the expenses of serving this process, the amount will be forwarded to the justices by a bill on the General Treasury. A person will attend hereafter (or, a person accompanies this letter) to point out the parties.

I have, &c.,

(Signed) ————————

Magistrate.

Zillah }
January 184 . }

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND EXTRA REGULATION PROVINCES.

Lower Provinces, 25th October, 1844.

No. 186.

The rule in 2, Regulation XXXVIII. 1793, extended to uncovenanted judicial officers.

THE Court are pleased to direct, with the sanction of the Government, that the rule in section 2, Regulation XXXVIII. 1793, prohibiting public officers from lending money to persons within their jurisdiction, be extended to all uncovenanted judicial officers.

TO THE SESSION JUDGES IN THE LOWER PROVINCES AND THE AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 25th October, 1844.

No. 187.

Rules to be observed in sending records of trials referred to or called for by the Nizamut Adawlut.

THE Court request that the following rules be attended to in the transmission of the records of trials regularly referred to or called for by them.

1. A copy of the English calendar to be invariably placed with the nuthee, and a mark placed opposite the name of every witness included therein who may have been examined on the trial.

2. The preparation of the list of papers composing the record, (a form of which is exhibited at page 67, volume II. Nizamut Adawlut Circulars) to be carefully superintended.

3. As many trials are now required to be submitted in original, all depositions are to be correctly and legibly written.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 25th October, 1844.

No. 188.

Regarding security bonds executed by the sureties of the judicial treasurers and other officers, entrusted with the charge of money, whether public or belonging to private individuals.

* No. 34, dated 23d September 1831.
No. 150, ditto 3d July 1835.
No. 193, ditto 20th January 1837.

THE Court are induced to presume, that the security bonds, executed by the sureties of the judicial treasurers, and other officers entrusted with the charge of money, whether public or belonging to private individuals, are drawn up in terms so vague and indefinite, as to impair their sufficiency, and that, notwithstanding the instructions contained in Circular Orders Sudder Dewanny Adawlut, cited marginally,* and the check imposed by the periodical submission of the statement and certificate thereby prescribed, the securities are not annually examined and revised with that careful scrutiny, which has been strictly enjoined.

2. The several judicial officers were desired in taking securities, to be careful that the sureties should bind themselves and their heirs to make good all losses sustained by the default or fraud of the officer, for whose conduct they became responsible, and to secure the pignoration of property on the part of the surety, the amount of which should be determinable by the value of the property or the amount of money likely to be left in hands of the officers, from whom the security was demanded.

3. The Court, having reason to believe, that the terms of the security bonds, executed by the sureties of judicial treasurers and other officers above indicated, do not express the full measure of the liability, implied in the instructions above cited, are pleased to subjoin a form of bond which sufficiently comprehends all the obligations assumed by sureties, and to direct, that the judicial authorities, in enquiring into the sufficiency of the security of the officers on their establishments at the approaching termination of the year, will be pleased to compare carefully the phraseology of the bonds, (which on this and every other occasion of the like nature should be invariably subjected to their inspection,) with the terms of the annexed formula, in the event of the former being deficient in clearness and comprehensiveness, or essentially different from that contemplated by Circular Order of the 23d September 1831, No. 34, to cause new security bonds to be executed by the sureties, corresponding with that which is appended to this order.

4. In reporting the result of the prescribed revision, according to the prescribed form, the judicial authorities are hereby required to certify, that the bonds have been carefully examined, and found to correspond in their terms with the annexed formula, and that memorials thereof have been registered in pursuance of the instructions conveyed in Circular Order Sudder Dewanny Adawlut No. 15, dated 2d May, 1843.

5. It will be of course understood, that the obligation, resting on the judicial authorities, of instituting the necessary inquiries to establish the validity and sufficiency of the security, furnished by those of their subordinates, who hold offices of pecuniary responsibility, remains unimpaired, and that the certificate, prescribed by Circular Order Sudder Dewanny and Nizamut Adawlut, No. 193, dated 20th January 1837, must be invariably inserted at the foot of the annual statement, which they are directed by orders above referred to, to submit.

میں کہ ولد کوٹھی ساکن کاہون

جو پیشگاہ صاحب جج عدالت دیوانی ضلع سے بابت

خزانہ متعلقۂ عدالت مذکورہ کے اِس محکمے کے خزانچی سے بتعداد

روپئے کے تصرف ضامنی مطلوب ہی اِس واسطے

میں برضا اور رغبت مسمی کاکہ فی الحال بعہدۂ خزانچی گری

محکمۂ مذکورہ کے مقرر ہی متکفل ہوتا ہون اِس اِقرار سے
کہ جب کبھي منجملہ روپیہ یا لوٹ وغیرہ نقد اور جنس محولہ خزانچي
مذکور کے از روي حساب کے کچھہ باقي سرکارکي ذمہ مشارالیہ
کے نکلے تو مثین ضامن بلا عذر اور حجت زر مگي خزانچي مذکور
کو اپنے پاس سے ادا کرون اور جایداد مصرحۂ ذیل کو کہ مالیتی
روپیہ کي بلا خلش ازان خاص مجھہ ضامن کي ہی
بطریق نشان ضمانت کے مکفول کرتا ہون اور مثین یہہ وثیقہ بطور
تصرف ضامني کے لکھہ دیتا ہون کہ عند الحاجت کام آوے
المرقوم

TO THE CIVIL AND SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES, AND SAUGOR AND NERBUDDA TERRITORIES, AND THE COMMISSIONER OF KUMAON.

Western Provinces, 18*th November*, 1844.

No. 189.

Attention directed to Government orders, dated 31st March 1834, regarding contingent charges.

THE Court, finding that the orders of Government, dated 31st March 1834, on the subject of contingent charges, incurrible by the civil and sessions judges, are frequently overlooked, are pleased to publish an extract (paragraphs 1 and 2) from the same, for general information, and direct, that the authorities, to whom they are applicable, will henceforward follow the practice thereby prescribed, and cease to submit applications for the disbursement of money through the intervention of the Court.

Extract (paragraphs 1 *and* 2*) from the orders of Government, dated* 31*st March*, 1834.

Para. 1. In modification of the existing rules, on the subject of the contingent charges of the office of civil and sessions judge, and commissioner of circuit, the honorable the Vice President in Council is pleased to determine, monthly statements of such charges incurred by them shall in future be forwarded by the civil and sessions judges, and by the commissioners respectively, to the civil auditor. The duty of examining and checking the statements being vested in that officer, who will possess authority to pass without further reference, all such items of charge as he may think usual and unobjectionable, whatever

their amount, reporting those which may not be of that character, in quarterly statements, for the consideration and orders of Government.

2. It is to be understood, that it will not be necessary to apply for the sanction of the civil auditor, previously to incurring any contingent charge. Disbursements may be made in the first instance on the responsibility of the civil and sessions judges, or the commissioners, as the case may be.

TO THE CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES, THE SAUGOR AND NERBUDDA TERRITORIES, AND THE PROVINCES OF KUMAON.

Western Provinces, 27th December, 1844.

No. 190.

Magistrates required to continue transmission as heretofore, for orders of Court, of all applications for discharge of prisoners certified to be blind, &c., and attention called to Circular Order, No. 218, dated 6th January 1837.

THE Court are pleased, with the sanction of Government, to direct that the magistrates will continue to transmit, as heretofore, for their orders, all applications for the discharge of prisoners, suffering from blindness or other confirmed bodily infirmity, incapacitating them from labor, and rendering the remission of the unexpired portion of their sentences advisable. Act XVIII. of 1844, which relieves the Courts of Nizamut Adawlut from the control and superintendence of jails, does not interfere with the privilege, heretofore exercised by the Court under express instructions, from the local Government, of releasing blind and infirm prisoners within certain specified limits.

2. The Court take this opportunity of directing the attention of the several authorities concerned to the instructions contained in Circular Order, Nizamut Adawlut, No. 218, dated 6th January 1837, and enjoining the strictest conformity thereto in all applications, which may be hereafter submitted.

TO THE OFFICERS IN CHARGE OF JAILS IN THE NORTH WESTERN PROVINCES.

Western Provinces, 20th January, 1845.

No. 191.

Requests discontinuance of submission to the Nizamut Adawlut, of the six monthly reports, prescribed by Circular Order, No. 176, dated 31st July, 1835.

THE Court of Nizamut Adawlut, having been relieved by Act XVIII. of 1844, from the duty of supervising the management of jails, and all matters therewith connected, request that the submission of the six monthly reports, prescribed by Circular Order Nizamut Adawlut, No. 176, dated 31st July, 1835, may be henceforth discontinued, and that the criminal authorities will be guided in regard to these returns and other matters of the same description, by such instructions as they may receive from the Government of the North Western Provinces.

TO THE MAGISTRATES IN THE LOWER PROVINCES.

Lower Provinces, 17th January, 1845.

No. 192.

Police darogahs are to give effect to the rules issued regarding transmission of moonsiffs' records monthly to the sudder station.

THE Court call the attention of magistrates in the Lower Provinces to a Circular Order addressed under this date to the civil judges, regarding the practice to be in future pursued by moonsiffs, and others, in transmitting the records of monthly decisions to the sudder station, and request that the police darogahs, subject to their control, may be furnished with the requisite instructions for giving effect to the directions therein contained.

Circular issued to the Civil Judges, under date the 17th January 1845.

The Court are pleased to issue the following remarks and orders, regarding the transmission, by the several subordinate courts, of the records of monthly decisions to the sudder station.

2. By Clause 8, Section 10, Regulation XX. of 1817, police darogahs are required to forward, by the thannah dawk, or by their burkundauzes, *as* "*occasions may offer,*" papers sent to them by the subordinate civil judges for that purpose. On the other hand, the transmission of the records of monthly decisions is directed to be *periodically* made, and cannot, if the rules prescribed by Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, are to be enforced, be allowed to depend on the *occasional* opportunity, which a police darogah may think fit, either to improve, or on the other hand to leave unheeded. Independently of this, the Court observe, the increased bulk of the records of the subordinate tribunals, arising from the enlargement of their powers, and the consequent accession of judicial business before them, opposes a serious obstacle to the employment of the thannah dawk, as a means of conveying them to the sudder station.

3. The Court, however, are not disposed to dispense with the attendance of a police burkundauze, which is authorized by law, and affords some security for the safe arrival of papers in transit; and they are pleased accordingly, with the permission of Government, to direct that the subordinate judicial officers forward the records of monthly decisions by a specified date, to the nearest thannah, for transmission to the sudder station, taking a receipt from the darogah, or, in his absence, from the head officer present at the thannah. The judicial officers will provide the requisite coolies

for the conveyance of the records, and indent on the judge for the expense incurred thereby. It shall be the duty of the police darogah to despatch the papers in question without delay to the sudder station, under charge of a burkundauze. A chellan, under the signature of the judicial officer, exhibiting, the date of transmission to the thannah, and the number of misls, will accompany the records, and serve to shew whether there has been any delay on the part of the police in forwarding them to the sudder station.

4. The judges are requested to determine the period, within which each moonsiff shall be required to have his records of monthly decisions delivered to the police darogah, with due advertence to the necessity of enforcing the provisions of Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, and with reference to the distance of each receiving thannah from the sudder station.

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 194.

Lower and Western Provinces, 22d January 1845.

Attention of the magisterial officers directed to the prolonged detention of witnesses; and the means of preventing the same pointed out. Form of diary prescribed.

THE Court have reason to apprehend, that witnesses in general are required to be in attendance for a much longer period than is either desirable or requisite. Their detention arises sometimes from the postponement of their examination for some days after their arrival in the magistrate's court, and sometimes from the omission of the magistrate to peruse the depositions as soon as they are recorded by the mohurrirs, or from his neglecting in heavy and complicated cases, to examine the witnesses on points, which may appear to have been insufficiently elucidated. But, to whatever cause attributable, it is obvious that the prolonged detention of witnesses must, in the case of indigent individuals especially, prove highly distressing, and tend, in general, to create a reluctance on the part of private parties to attend the criminal courts, and aid, by their testimony, the efforts of magisterial authority for the detection of crime, and of those engaged in its commission.

2. The adoption of a methodical plan will, the Court believe, have a beneficial effect, by directing the attention of the magisterial officers in a special manner to this part of their duties, and thus preventing the prolonged detention of witnesses, except for good and sufficient reason. With this object the Court circulate a form of diary, which has been in actual use in the North Western Provinces, and which the magistrates are hereby desired to introduce in their own offices and in those of their subordinates.

3. The several headings of the diary are so clear, that the brief directions annexed to the form will suffice to shew the manner in which it should be prepared.

Diary of Witnesses in attendance in the Magistrate's Court, alluded to in Para. 2, of the Circular Order.

1.	2.	3.	4.	5.	6.	7.	8	9.	10.	11.	12.	13	14.	15.	16.
Date of Arrival.	Date of Deposition, &c.	Date of Attestation.	Name.	Designation.	Case in which Concerned		Number of Days Detained.								Name of Mohurrir taking Evidence.
					Plaintiff.	Defendant.	1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	More than 7 Days.	
Oct. 5th,	5th	6th	Gungaram, ...	Complainant,..	Gungaram, ...	Imam Buksh,..	1	...	...	...	...	...	...	...	Gungaram.
„	5th	6th	Rudeh, ...	Witness, ...	Ditto, ...	Ditto, ...	1	...	...	...	...	...	...	...	Ditto.
„	5th	7th	Imambuksh,...	Defendant, ...	Ditto, ...	Ditto, ...	...	1	...	...	..	...	...	...	Ditto.
„	6th	8th	Roopey, ...	Petitioner, ...	Roopey, ...	Imamee, ...	...	...	1	...	...	...	...	...	Ditto.

This book is always on the magistrate's table in the Kutcherree. The nazir fills up the 1st, 4th, 5th, 6th and 7th columns, whenever a petition may be presented or a case be received from the thannah; he then fills up the 16th column, and delivers the case to a mohurrir, and, if he do not receive it back ready on the same day, reports accordingly to the magistrate. On receiving it he fills up the 2d column, and the magistrate signs all the depositions, and when that officer *hears and attests* the depositions, he signs them again, and causes the 3d and corresponding columns to be immediately filled up in his own presence.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES AND EXTRA REGULATION PROVINCES.

No. 195.

Promulgates extract from a despatch of the Court of Directors, suggesting a cautious exercise of the powers conferred on the criminal authorities by Act XXIV. 1836. 1843

Lower Provinces, 31*st January*, } 1845.
Western Provinces, 18*th April*, }

IN pursuance of instructions from the Government, the Court circulate the subjoined extract from a despatch from the Honorable the Court of Directors, for the information and guidance of the criminal authorities.

Extract from a Despatch from the Hon'ble the Court of Directors in the Legislative Department, dated the 4th September 1844, *No.* 21.

Para. 32. It is represented that the crime of dacoity is followed professionally by considerable numbers, as a means of livelihood, in our own territories, and in those of Native States; and that the robberies are committed by regularly organized gangs acting under the direction of recognized leaders. The object of the present act is to apply to dacoits the special provisions which have proved very efficacious in suppressing the crime of thuggee under similar circumstances. Persons proved to have belonged to any gang of dacoits are made liable to transportation for life, without the necessity of proving their participation in any act of dacoity; and persons accused of that offence, wherever committed, may be brought for trial before any court of competent jurisdiction.

33. We do not withhold our sanction even of an enactment of so great severity for an object of such incalculable benefit to society, as the effectual suppression of dacoity; but we must earnestly call your attention to the caution addressed to you in our judicial despatch of the 28th August 1839, to be on your guard against the abuse and oppression to which the systematic and exclusive employment of *approvers* for the conviction of accused persons is necessarily liable. The testimony of men, by their own acknowledgment stained with the same crimes which they lay to the charge of others, stands always in need of some corroborative evidence; and if it be received with favor or without distrust, may, from vindictive or selfish motives, or even from mere wantonness, be turned equally against the innocent and the guilty. We regret that you should have thought it necessary to make the act retrospective in its operation, as under a strict interpretation parties who have ceased to belong to gangs of dacoits, may be rendered liable to its penalties. You will be careful to guard against such evil consequences from the new enactment; and if your precaution should prove ineffectual, you will not fail to rescind it.

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 28*th February*, } 1845.
Western Provinces, 15*th March*, }

No. 196.

Construction 1344 superseded.

I am directed by the Court to inform you that it has been ruled, in supersession of Construction 1344, that none but magistrates, joint magistrates, and persons lawfully exercising the powers of a magistrate, can decide suits under Act IV. of 1840.*

TO THE MAGISTERIAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 28*th February*, } 1845.
Western Provinces, 4*th April*, }

No. 197.

Commitments of European British subjects for trial before the Supreme Court, to be supported by direct proof of their amenability to that Court.

THE Court deem it proper to intimate to the magisterial authorities that in the event of its being found necessary to commit a European British subject for trial before the Supreme Court, it will be necessary for the conviction of such person that there be direct proof of his amenability to that Court. The mode of proof will consist in the evidence of a credible person, who knows the accused, and his place of birth, or who has heard him declare of what country he is.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 5*th March*, 1845.

No. 198.

Promulgates extension of rule in Section 2, Regulation XIX., of 1803, to all uncovenanted judicial officers.

THE Court are pleased, with the sanction of Government, to direct, that the rule in Section 2, Regulation XIX. of 1803, prohibiting public officers from lending money to persons within their jurisdiction, be extended to all uncovenanted judicial officers.

2. It will of course be understood, that the foregoing prohibition does not extend to the officers on the ministerial establishments of the several civil and criminal courts, but to those functionaries only, who are legally empowered to exercise judicial functions.

* See Act XXVII. 1845.

TO THE MAGISTERIAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 14*th March*, 1845.

Western Pr 25th April 1845

No. 199.

Instructions regarding examination of European British subjects, with form of examination.

THE Court deem it proper to intimate to the magisterial authorities that European British subjects, brought before them for any alleged offence, should not be interrogated upon the matters charged against them, but merely asked if they wish to make a statement in regard to the charge, and at the same time warned that whatever they may say will be made use of against them. After such question and warning, the statements made by the accused are to be taken down.

2. A copy of the form of examination to be made use of is annexed.

" The examination of
taken by me Esquire,
magistrate of and one of Her
Majesty's justices of the peace, the
day of 184 The said examinant being charged
on the solemn affirmation of with having
(here state the charge) and being duly cautioned, saith

TO THE CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES, KUMAON AND SAUGOR AND NERBUDDA TERRITORIES.

Western Provinces, 16*th April*, 1845.

No. 200.

In cases instituted under Act IV. 1840, absolute proof of actual forcible dispossession is an indispensable condition to the restoration of the party complaining to possession.

THE Court, having reason to believe, from a comparison of the statistical returns from different districts, that Act IV. of 1840, is variously administered, and that to this diversity of legal interpretation, rather than to any local or peculiar circumstances, the very remarkable difference in the number of suits instituted under its provisions, is attributable, desire to point out, for the guidance of the criminal authorities, that absolute proof of actual " forcible" dispossession is an indispensable condition to the restoration of the party complaining to possession; the mere assertion of an apprehension, that a breach of the peace will ensue, and that dispossession will follow, is insufficient, under the terms of Section 4, of the Act, to legalize the reception and investigation of such complaints, it being obviously the intention of the law, that the complaint of having been " without authority of law forcibly dispossessed" of the disputed property, shall be substantiated by " the examination of the necessary witnesses and documents,"—or, in other words, by the adduction of direct evidence, before any order can legally issue for the re-instatement of the party complaining in possession of the subject of dispute.

2. The several criminal authorities, competent to try and determine suits under Act IV. of 1840, will be careful to observe the legal obligation above recited, and to remember that, in complaints of the nature adverted to, the only point to be established by the complainant is the fact of forcible dispossession, on proof of which the magistrate is directed to "record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession, until the right to possession be determined by a competent court." In like manner, the Court observe, the only point to be tried on revision of the case in appeal, is, whether such forcible dispossession has been established or not; and any endeavour to ascertain and record the "right to possession" is not only irrelevant, but constitutes in fact an illegal and undue arrogation of authority on the part of the deciding officer: evidence of forcible dispossession carries with it, as a matter of course, proof of antecedent possession, the maintenance of which, without reference to right, is the object of the law, and the utmost limit of authority conferred by the Act under consideration.

3. Session judges are desired to enforce a strict adherence to the foregoing principles in the decision of cases under the provisions of Act IV. of 1840, and to correct any departure therefrom, which may fall under their observation.

TO THE SESSION JUDGES IN THE LOWER PROVINCES AND THE COMMISSIONERS IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 25th April, 1845.

No. 201.

Report on the acquittal of insanes, to be entered in sessions statement, No. 8.

THE Court direct that the report required by paragraph 4 of the Circular Order of the 27th September last, No. 183, in certain cases of acquittal on the ground of insanity, be not submitted separately, but that it be embodied in the remarks to statement (No. 8) of acquittals for the month in which the trial was held, with a specification of the amount of security which it would be proper to demand for the safe custody of the insane.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 25th April, 1846.

No. 202.

Public officers cannot hold lands in their own districts.

I AM directed by the Court to forward to you, for your information, and for communication to the uncovenanted judicial officers subordinate to you, the annexed extract, paragraph 75, from a despatch No. 1, from the Hon'ble the Court of Directors, dated the 15th January last.

"26. Mr. Deputy Collector Nott's memorial, praying to be allowed to purchase lands at public sales held by collectors, transferred to the Bengal Government for orders."

Para. 75. "We have repeatedly informed you, that we cannot sanction any departure from the established rule, that no officer in our service can be permitted to hold lands in any district in which he exercises civil authority.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND THE EXTRA REGULATION PROVINCES.

No. 203.

Lower Provinces, 25th April, 1845.

Civil writs for the apprehension, or personal attendance, of police officers, are to be served through the magistrate.

THE following rule of practice is established, with the sanction of the Government.

Writs for the apprehension of the person, or for requiring the personal attendance of police officers under civil processes, are to be issued through the magistrate. This rule will not of course apply to notices or proclamations, not requiring personal attendance, or to processes which give the party the option of appearing in person or by vakeel.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

No. 204.

Lower Provinces, 6th June, 1845.

Error in Bengalee translate of Regulation XX., 1817.

THE Court of Nizamut Adawlut for the Lower Provinces, circulate the subjoined amendment of an error in the Bengalee version of Clause 2, Section 16, Regulation XX., of 1817.

ইং ১৮১৭ সালের ২০ আইনের ১৬ ধারার ২ প্রকরণ।

২ দ্বিতীয় প্রকরণ। পোলিসের দারোগাদিগকে বারণ করাযাইতেছে যে মাজিষ্ট্রেট সাহেবের হজুর হইতে তাহারদিগের নামে খাস অর্থাৎ বিশেষ হুকুম হওন ব্যতিরেকে লুটের কি চুরির মাল তালাসি করিতে কোন এমারতের কি ঘরের ভিতরে না যায় কিন্তু যদি চোরা কি লুটকরা মালের মালিক কি অপরাধকরণের সঙ্গি সাথি অথবা অন্য ব্যক্তি লুটহওয়া কি চোরা মালের তালিকার ফর্দ্দ থানাতে দাখিল করে এবং এমত এজহার করে যে সত্য লুট কি চুরি হইয়াছে এবং মাতবর হেতুতে আমারদের বোধ হয় যে চোরা মাল অমুক স্থানে কি অমুক মোকামে আছে তবে পোলিসের দারোগা মাজিষ্ট্রেট সাহেবের হুকুম বিনা এমারত কি ঘরের ভিতরে গিয়া তালাসি করিতে পারে ইতি।

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 4th July,
Western Provinces, 1st August, } 1845.

No. 205.

Form of writ under Act X. 1845, for service in Calcutta.

WITH reference to the Circular Orders No. 82, dated Lower Provinces, 1st March, and Western Provinces, 18th June 1841, and No. 185, dated Lower Provinces, 18th October, and Western Provinces, 29th November 1844, regarding the forms of processes for service within the jurisdiction of the Supreme Court, under Act XXIII. 1840, I am directed to transmit to you the subjoined form, to be used in the like case and otherwise under Act X. 1845.

WARRANT IN CASES OF FAILURE TO SERVE SUMMONS.

To Mahomed Nazim, Nazir of the Fouzdarry Court of the 24-Pergunnahs.

Whereas a summons was issued against Ramdhun Mistry, to appear and answer to a charge of assault preferred by Sheikh Rumjoo, and whereas it has been proved that, notwithstanding due diligence, the officer entrusted with the summons has been unable to serve the same on the defendant: you are hereby directed to apprehend the said Ramdhun Mistry, and to produce him before the magistrate of the said court. In this fail not. Dated the 5th day of April 1845.

A. B.,
Magistrate.

L. S.

TO THE SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES, AND SAUGOR AND NERBUDDA TERRITORIES, AND TO THE COMMISSIONER OF KUMAON.

No. 206.

Western Provinces, 8th July, 1845.

Sessions judges requested to confine their attention in the preparation of annual reports on criminal justice, to the subjects denoted in paragraphs 5 to 11 of Circular Order, Nizamut

THE Court, observing that some of the sessions judges still continue to advert in their annual reports on the administration of criminal justice to the condition and internal management of the prisons, are pleased to remind them, that by Act XVIII. of 1844, the control and supervision of those establishments has been withdrawn from the Nizamut

Adawlut, No. 98, dated 27th June 1842.

Adawlut, and that the inclusion of such matters, as well as of questions relating to the constitution and character of the police, serves only to increase the bulk of the annual reports, without effecting any useful purpose.

2. The sessions judges are requested to confine their attention to the several subjects, denoted in paragraphs 5 to 11 of Circular Order, Nizamut Adawlut, No. 98, dated 27th June 1842, being careful particularly to note such information in regard to the condition of their respective districts, "as local experience and observation will readily supply, but to convey which the most elaborate figured statements would be inadequate."

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

+

No. 207.

Civil and criminal authorities desired to refer applicants for copies of Court's orders to the Court, instead of granting copies asked for. See C. O. No. 218, 17th Nov. following.

Western Provinces, 22d July, 1845.

THE Court desire that, whenever applications may be made to the civil or criminal authorities for copies of any letters from, or orders passed by them, they will refer the applicants to the Court, instead of granting the copies asked for.

2. This rule is not to be considered to apply to the sentences of the Nizamut Adawlut, in criminal trials.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 25th July, 1845.

No. 208.

Officers of Government are exempted from the payment of ferry tolls when proceeding on the public service.

IN pursuance of the orders of the Government (dated the 9th instant,) the following copy of a letter (No. 459, of the 28th ultimo,) from the Under Secretary to the Government of India in the Home Department, exempting all Government officers from the payment of ferry tolls when proceeding on the public service, is circulated for general information.

From the Under Secretary to the Government of India in the Home Department, to the Under Secretary to the Government of Bengal, under date the 28th June, 1845.

"I am directed to acknowledge the receipt of your letter No. 981, dated the 28th ultimo, with its enclosure, and in reply to state, for the information of the Right Honor-

able the Governor of Bengal, that the Governor General in Council approves of the proposition submitted by Mr. Dampier, superintendent of Police, Lower Provinces, and authorizes that all officers of Government be exempted from the payment of ferry tolls within the division to which they may belong when they are moving in those divisions on the public service, and any officer not entitled to exemption under this definition of the rule, who may prefer a claim to exemption based on the principle which the rule is intended to establish, will refer his claim, for special consideration and orders, to the department to which he belongs."

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 25th July, 1845. No. 209.

Rules regarding examination of candidates for the situation of law officer, and forms of certificates.

UNDER the orders of Government, dated the 16th instant, the instructions addressed to Lieutenant Colonel Riley, examiner of candidates for the situation of law officers, together with the forms of certificates therein alluded to, are circulated for general information.

From the Under Secretary to the Government of Bengal to the Secretary to the Law Examination Committee, under date the 16*th July,* 1845.

"With reference to my letter No. 840 of the 14th May last, I am directed to request that the future examination of candidates for the situation of Hindoo, or Mahomedan law officer, may be conducted by yourself and the pundits of the Hindoo College for Hindoos, and in like manner by yourself and the Mahomedan law professors of the Muddrussa for Mahomedans, as proposed in your letter of the 22d April last, No. 27.

"The certificates granted to passed candidates will be in the forms A, or B, prescribed in the appendix to Regulation XI. 1826, modified as follows, and attested with your signature, as "examiner of candidates for the situation of law officers."

"APPENDIX A.

"I hereby certify, that at an examination held at the presidency of Fort William, on the according to the provisions of Regulation XI. of 1826, and Act V. of 1845, A. B. was found to be qualified by his eminent knowledge of the law to hold the office of law officer in any of the established courts of judicature.

"This certificate has been granted to the said A. B. under the seal of the College, this day of in the year of corresponding with the

(Signed) C. D.
Examiner of candidates for the situation of law officer."

"APPENDIX B.

"I hereby certify, that having duly considered the proceedings held on the examination of A. B. conducted according to the provisions of Clause 3, Section 5, Regulation XI. 1826, and Act V. of 1845, I consider the said A. B. to be duly qualified by his knowledge of law to hold the office of law officer in any of the established courts of judicature.

"This certificate has been granted to the said A. B. under the seal of the College, this day of in the year of corresponding with the

(Signed) C. D.
Examiner of candidates for the situation of law officer."

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 210.

Lower Provinces, 25th July,
Western Provinces, 12th September, } 1845.

Construction of S. 2, Act XXXI., 1841, in modification of 3d clause of C. O. No. 100, L. P. 7th and W. P. 28th January, 1842.

THE Courts of Nizamut Adawlut, for the Lower and Western Provinces, have ruled, in modification of the 3d rule of the Circular Order No. 100, dated Lower Provinces, 7th, and Western Provinces, 28th January, 1842, that every sentence or order of an assistant vested with special powers, passed in a criminal trial or judicial proceeding awarding a punishment within the limitations expressed in Section 2, Act XXXI., 1841, is appealable to the magistrate, joint magistrate, or officer exercising the powers of a magistrate.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 211.

Lower and Western Provinces, 2d August, 1845.

Construction No. 529, rescinded.

THE Court are pleased to notify, for the information and guidance of the several criminal authorities, that Construction No. 529, which declares specially empowered

assistants competent to require moochulkas and security under Regulation XV. of 1825, has been rescinded.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th August, 1845.

No. 212.

Modification of the orders of Government, regarding travelling allowances to ministerial officers, communicated by the Circular Order, S. D. A., No. 50, 20th September 1839.

THE Court circulate the following extract (paragraph 1) from the orders of Government, No. 1360, of the 30th ultimo, for the information and guidance of the several civil and session judges under their control.

Extract (paragraph 1) *from a letter from the Government of Bengal to the Court, No.* 1360, *of the* 30*th July* 1845.

Para. 1. With reference to your predecessor's letter No. 565 of the 19th April 1844, I am directed to state, for the information of the Sudder Court, that the Government have been pleased, in modification of the orders of 29th August 1839, to authorise travelling allowance to ministerial officers, when required to accompany their superiors by dawk, at the rate of 4 Annas per mile, and during halts at the rate authorised by the above orders, viz 3-10ths of their respective salaries. In other respects the orders of 29th August 1839, are to continue in force.

TO THE SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th August, 1845.

No. 213.

Intimating issue of a new commission of the peace, comprising the names of all covenanted civil officers.

PURSUANT to the instructions of the Government, I am directed by the Court to intimate to you that a new commission of the peace has been issued from the Supreme Court, comprising the names of all the covenanted civil officers employed under this Government.

TO THE SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 22d August, 1845.

No. 214.

Instructions regarding session judges' statement No. 12.

WITH a view to the correct preparation, in future, of the session judges' statement, No. 12, which is intended to shew the average duration of cases in the sessions' courts, I am directed to notice certain errors in some of the statements for 1844.

2. In the statements of certain districts the totals are given and not the details. As indicated by the headings, the particulars of each case should be separately entered therein, thus:—

Col. 1.	Col. 2.	Col. 3.	Col. 4.	Col. 5.
1	10	6	0	16
2	7	6	1	14
3	11	1	0	12
Total...	28	13	1	42

3. If the number of cases be too numerous to be conveniently entered in the lithographed form, the total number of cases of each month, and the total number of days occupied by them, may be entered thus:—

Col. 1.	Col. 2.	Col. 3.	Col. 4.	Col. 5.
January, 7 cases,	70	60	24	154
February, 8 cases,	105	34	74	213
Total 15 cases,	175	94	98	367

4. The period between the date of commitment and the date of commencement of trial, should have been given in every case, without reference to the cause which occasioned delay in taking up a commitment, any needful explanation being entered under the column of remarks.

To certain session judges.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19*th September*, 1845.

No. 215.

Attention called to Construction 857, and instructions communicated regarding the wording of charges for receiving stolen or plundered property.

Session judges to note, on the record of trials held without the aid of a law officer, the law applicable to it.

THE Court deem it necessary to call the attention of the criminal authorities to Construction No. 857, which prohibits the employment of the term "Thangeedaree" in charges for knowingly receiving stolen or plundered property, and enjoins the use of the words دیدہ و دانستہ گرفتن و داشتن مال سرقہ یا مغروتہ

2. The Court further direct that an addition be made to the charge in such cases, to shew distinctly whether the property illegally possessed, was acquired by theft, burglary, dacoity, highway robbery, or thuggee.

3. The reason of such addition is, that the magistrate of any district is competent under Acts XVIII. 1839 and XXIV. 1843, to commit for the crime of receiving property any where obtained by dacoity or thuggee, and the commitment may be tried by the session judge without the aid of a law officer or assessors; whereas charges for the guilty receipt of property acquired by theft, burglary, or highway robbery, can only be tried in the district in which the property was found, and the trial cannot be held without recourse to a law officer, or to the provisions of Regulation VI. 1832.

4. The Court direct that session judges who may try a case without the aid of a law officer or assessors, will denote on the face of the record the Regulation or Act under which the trial is held.

TO THE SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 26*th September*,
Western Provinces, 17*th November*, } 1845.

No. 216.

Prisoners are to be referred to in depositions and futwas by their names, not by the numbers they bear in the calendar.

SEVERAL instances having come before the Court, in which prisoners are referred to in the deposition of witnesses, and in the futwas of the law officers, by the numbers they bear in the calendar, and not by their names, I am directed by the Court to request that the practice be avoided, and that the *names* mentioned by witnesses be invariably written down.

TO THE CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

No. 217. *Western Provinces, the 10th November, 1845.*

Calls attention to Construction No. 857, with instructions regarding an addition to be made to the charge in cases referred to.

THE Court deem it necessary to call the attention of the criminal authorities to Construction No. 857, which prohibits the employment of the term "Thangeedaree," in charges for knowingly receiving stolen or plundered property, and enjoins the use of the words: دیدہ و دانستہ گرفتن و داشتن مال سرقہ یا مغرولہ

2. The Court further direct, that an addition be made to the charge in all such cases, with the view to shew distinctly whether the property illegally possessed was acquired by theft, burglary, dacoitee, highway robbery, or thuggee.

3. The reason of such addition is, that persons accused of receiving property, stolen or plundered by thuggee or dacoitee, may be committed, under Acts XVIII. of 1839 and XXIV. of 1843, by any magistrate within the territories of the East India Company, and may be tried by any court, which would have been competent to try him, had his offence been committed within the zillah, where that court sits, whereas in the trial of charges for the guilty receipt or purchase of property, acquired by theft, burglary, or highway robbery, it is essential to its legal validity, that regard be had to the jurisdiction within which the offence was perpetrated, and to the competency both of the committing and trying officer, to take cognizance of the same.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

No. 218. *Western Provinces, the 17th November, 1845.*

Circular Order No. 207, 22d July last, modified.

THE Court direct that the instructions contained in the 1st paragraph of their Circular Order, No. 207, dated 22d July last, be, and be considered, applicable only to "copies of letters," resolutions, and other orders, recorded in the English language.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE WESTERN PROVINCES.

No. 219. *Western Provinces, 12th December, 1845.*

The civil surgeon is to record his opinion in applications for the release of

IT having come accidentally to the knowledge of the Court, that convicts are frequently in the habit, with a view to obtain their liberation from jail, of causing temporary, and

possibly permanent, loss of vision by applying lime and other injurious substances to their eyes, the Court deem it proper to warn the officers having charge of jails, of the prevalence of this practice; and direct that whenever applications for the release of prisoners afflicted with blindness be submitted to them, the civil surgeon be required to record his opinion as to the origin of the calamity, and to state distinctly, whether from the appearance and nature of the malady, there is any reason to suspect, that it has been designedly produced, or is purely the result of misfortune.

blind prisoners, as to the origin of the calamity and other particulars.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 12*th December*, 1845.

No. 220.

IT having come accidentally to the knowledge of the Court, that convicts are frequently in the habit, with a view to obtain their liberation from jail, of causing temporary, and possibly permanent, loss of vision by applying lime and other injurious substances to their eyes, the Court deem it proper, with the sanction of the Government, to warn the officers having charge of jails, of the prevalence of this practice; and direct that whenever applications for the release of prisoners afflicted with blindness be submitted to the Government, the civil surgeon be required to record his opinion as to the origin of the calamity, and to state distinctly, whether from the appearance and nature of the malady, there is any reason to suspect, that it has been designedly produced, or is purely the result of misfortune.

The civil surgeon is to record his opinion in applications for the release of blind prisoners, as to the origin of the calamity and other particulars.

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 13*th* }
Lower Provinces, 26*th* } *December*, 1845.

No. 221.

APPLICATIONS for the liberation of persons, convicted of having committed penal acts, while laboring under insanity, and directed to be kept in confinement until their restoration to reason, are frequently received by the Court, unaccompanied by those details of the prisoner's mental variations and progress towards recovery, which alone can

Applications for the release of persons convicted of having committed penal acts while laboring under insanity.

enable them to judge whether the party in question can be released without danger to the community.

2. The Court are pleased, therefore, to direct that applications of the nature mentioned shall be invariably accompanied by a medical history of the prisoner's case, from its coming under the notice of the local medical authority, of its peculiar features, together with an account of the patient's mental variations, his improvements, relapses, and final recovery, and a specification of the period during which he may have remained free from any return of the malady, or of symptoms denoting its approach, and further, to intimate that, unless this history be in every respect satisfactory and conclusive as to the restoration of the prisoner to a state of sanity likely to be permanent, they will consider themselves bound, for the sake of the public safety, to disallow the application to which it may relate.

3. Magistrates should require the civil surgeon, or other medical officer having charge of the prison or the lunatic asylum, in case of his removal, to put on record a professional history of the nature described respecting each prisoner laboring under mental derangement, in order that the object proposed by this circular order, may not be frustrated by mutations of incumbency in the situation of civil surgeon.

SUPPLEMENTARY RULES FOR THE PREPARATION OF THE SESSION JUDGE'S STATEMENTS.*

63. The entries under headings Nos. 3, 31 and 32, of statement No. 1, part 1, will be governed by the principle laid down in paragraph 135 of the magistrate's rules.

Statement No. 1.

SUPPLEMENTARY RULES FOR THE PREPARATION OF THE MAGISTRATE'S STATEMENTS.†

114. Paragraphs 63 to 70, inclusive, and the jail return designated "Statement No. 2, part 3, disposal of the prisoners and casualties," to which those paragraphs refer, are hereby cancelled.

115. For the statement and rules cancelled by the preceding paragraph, the statement and rules contained in paras. 116 to 124, are substituted.

116. The following statement will be neatly pasted on the old or cancelled statement.

No. 2, part 3. Abstract of the magistrate's diary of witnesses in attendance in April 1844.

	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.
	Witnesses discharged during the month, with specification of the time they were detained previous to dismissal.														Remarks.
Section 1st.	1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 to 15 Days.	16 to 22 Days.	23 to 30 Days.	Above 30 Days.	Total.	Longest period any of the persons entered in column 13 has been in attendance.	
Number of persons,	...	...	...	...	...	...	...	1	.....	2	.....	.....	3		
Section 2d.	Witnesses in attendance at the close of the month, exclusive of those under Section 1st, with specification of the time they have been in attendance.														
Number of persons,	...	...	...	...	...	...	...	...	.....	.....	4	3	7		
Section 3d. Total number of persons in attendance during the period, ...	...	...	...	...	...	...	...	1	.....	2	4	3	10		

* Continued from page 191.

† Continued from page 195.

117. The 1st section of this statement is intended to bring under the observation of the Court instances of undue detention of such witnesses from their homes, as may have been dismissed prior to the expiry of the period reported on, as well as to furnish data for comparing the management of one magistracy with that of another—accordingly, all witnesses who may have been in attendance during any part of the period reported on, but who had obtained their discharge before its close, should be entered in the appropriate columns of this section.

Section 1.

118. The longest period any person may have been detained before obtaining his discharge, should be entered in column 15, but no witnesses should appear in this section who may be in attendance at the close of the period to which the statement refers.

119. This section will be appropriated to the exhibition of witnesses in attendance at the close of the period reported on. These individuals, it will be observed, are not to be included in the number entered in the first section.

Section 2.

120. The totals of the several columns of sections 1 and 2, will be exhibited in this section, and the grand total of column 14, will shew the exact number of witnesses who may have been in attendance during any portion of the period embraced by the statement.

Section 3.

121. The reasons for the detention of all witnesses beyond 8 days should be explained in the column of remarks.

122. In order to illustrate the instructions contained in the 4 preceding paragraphs, and to prevent the possibility of misapprehension on the part of the clerk who may be charged with the preparing of the statement, the following facts are supposed, and the results noted in the statement given at paragraph 116.

One witness was in attendance from the 2d to the 9th April, when he was discharged, consequently he was detained 8 days from his home, and should, therefore, appear in the 9th column of section 1.

Two witnesses attended from the 22d March to the 8th April, when they were discharged, they were consequently 18 days from their home, and should be entered in the 11th column of section 1.

Four witnesses attended from the 8th to the end of April, without having obtained their discharge, and thus being detained 13 days, should appear in the 12th column of section 2.

Three witnesses were detained from the 20th March to the end of April, without obtaining their discharge, and ought therefore to appear in column 13 of section 2.

123. At the close of each month the aggregates of columns 8 to 14 of the magistrate's diary, the form of, and the rules applying to which, are circulated under this date,* will be exhibited in columns 2 to 8, section 1, of the abstract (vide para. 116) required to be submitted to the Court, and the total number shewn in the 15th column of the former statement will be distributed in columns 9 to 13 of the latter, and the number of persons in attendance on the last day of each month, will appear in the columns of section 2, which indicate the time they may respectively have been detained up to that date.

124. In preparing the annual returns, nothing more will be necessary than to sum up the totals of columns 2 to 14 of the monthly returns, and enter them in the corresponding columns of the annual statement, noting the longest period any person may have been detained in column 15; observing the same rule with regard to sections 2 and 3, as is prescribed for the 2d and 3d sections of the monthly abstract.

Fractions of days are accounted entire days. Section 3 being nothing more than the aggregate of the 1st and 2d sections, needs no illustration beyond what is given in para. 120.

125. In order to shew the degree in which the responsibility of zemindars is enforced, the magistrates will be pleased in future to enter cases of zemindars and chowkeedars brought up for neglect of duty, under separate headings in statement No. 2, part 1.

Statement No. 2 part 1.

126. In the magistrate's statements No. 8, for some districts, the totals of columns 5, 6, 7, and 12 do not shew the average time occupied, but the aggregate of the particulars entered for the 12 months, while the statements of other districts are erroneous in regard to columns 8, 9, 13 and 14. With a view, therefore to the correct preparation of the statements in question for the future, the Court request attention to the following rules.

Statement No. 8.

127. Column 5 should exhibit the result of dividing the number in column 2 by that in column 1.

128. Column 6 should exhibit the result of dividing the number in column 3 by that in column 1.

129. Column 7 should shew the totals of columns 5 and 6 added together.

130. Columns 8 and 13, should exhibit the longest period mentioned in the 12 months, *not the totals* of all the periods.

* See Circular Order, No. 194, 22d January 1845.

131. Columns 9 and 14 should exhibit the shortest period in the 12 months.

132. Column 12 should exhibit the result of column 11, divided by column 10.

133. The average time should not be given in years, or parts of years, but, in days, omitting fractions.

134. The 93d paragraph of the rules for the preparation of the magistrate's statements, provided for the insertion of a note to distinguish the persons released after trial, from those released without being summoned before the magistrate. The Court direct that, in future, the number of persons released after trial be distinguished into those summoned by the magistrates, and those sent in by the police of their own authority. This may be done conveniently by adopting the following form, which comprehends the whole number of persons released:

Number of persons acquitted,.....	66
Summoned by the magistrate and his subordinates,.....	20
Sent in by the police,.....	30
Released on bail by the police, and not required to appear before the magistrate,.....	16

135. The practice which has heretofore prevailed of entering "riots attended with murder, homicide, or violent breach of the peace," under heading 41 of the magistrate's criminal statement No. 1, part 1, being considered objectionable, the Court are pleased to direct that riots attended with murder, shall be entered under the heading (No. 3,) appropriated to the exhibition of the latter offence, a note being added in the column of remarks, to distinguish such cases from others of simple murder, and that riots attended with homicide or with violent breach of the peace, shall be aggregated with "affrays," to which they bear some affinity, under headings 31 and 32 of statement No. 1, part 1, agreeably to the formula given in the margin.* This alteration shall take effect from, and after the 1st January, 1846.

Statement No. 1.

*31 } Affrays and 32 } Riots, { With homicide. / With violent breach of the peace.

TO THE CIVIL AND SESSIONS JUDGES AND MAGISTRATES IN THE LOWER PROVINCES.

No. 222.

Lower Provinces, 9th January, 1846.

Civil officers, countersigning plans and other documents relating to public works, are not responsible for any statements contained in them, but may offer any remarks they consider necessary regarding public works connected with their respective departments, without detaining the papers sent to them.

PURSUANT to the orders of Government of the 17th ultimo, I am directed by the Court to forward to you, for your information, copy of a letter, No. 2207, of the 17th idem, addressed by the Under Secretary to the Government of Bengal to the Military Board.

From the Government of Bengal to the Military Board, No. 2207, dated the 17th December, 1845.

It was deemed advisable to invite the opinions of the civil authorities before coming to a final determination in regard to Lieutenant Colonel Garstin's suggestion for amending the existing system of countersignature, by civil officers, of plans and other documents relating to public works, and I am now directed by the Deputy Governor of Bengal to state, for the information of your Board, that the majority of the officers so consulted concur in the view expressed in your letter, No. 8243, of the 18th April last, as to the expediency of allowing such officers an opportunity of offering remarks regarding public works connected with their respective departments.

2. Such a check, His Honor doubts not, is useful, especially in regard to works executed at stations seldom visited by the executive engineers. Adverting, however, to the misapprehension so generally prevalent among civil officers in regard to the object of countersignatures (which are deemed by some as implying a tacit approbation or confirmation of the statements contained in the documents to which they are affixed), His Honor desires that the present mode of obtaining such attestations be discontinued, and that a separate heading be introduced in all documents requiring countersignature for the remarks, if any, of civil functionaries, and, when they have none to make, for the simple record of the fact. But whether any observations are recorded by civil officers or not, they will be given to understand distinctly, that no papers are to be unnecessarily detained by them, and, for the purpose of ascertaining upon whom the blame of delay may rest, the executive engineers should be required invariably to note the dates of despatch, and civil officers those of receipt and return.

3. Orders to this effect will be issued to the heads of departments under this Government, and your Board are requested to address corresponding instructions to the executive engineers within the same circle.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE REGULATION AND EXTRA REGULATION PROVINCES.

No. 223.

Lower Provinces, 9th January, 1846.

Error in the Persian and Bengalee versions of Regulation II. 1807.

I AM directed to forward to you the accompanying revised Persian and Bengalee versions of Clause 1, Section 4, Regulation II. of 1807.

قانون دوم سنه ۱۸۰۷ عیسوی

دفعه چهارم

ضمن اول

هرکس که در حضور حکام عدالت دیواني یا نظامت یا کسي حاکم دیگر که اختیار گرفتن حلف داشته باشد از روی حلف یا حلفنامه نسبت بکدام مراتب مقدمه مرجوعهٔ عدالت دیوانی یا نظامت عموماً و نسبت بمراتبیکه در انکشاف حقیقت مقدمه اهم و ضروری است خصوصاً عمداً باظهار دروغ پردازد آن کس برتقدیر ثبوت جرم مرتکب جرم گواهی کذب متصور شده مستحق سزای مذکورهٔ دفعهٔ بالا خواهد گردید فقط

---

৪ ধারা।

১ প্রথম প্রকরণ। দেওয়ানী আদালতের কিম্বা ফৌজদারি আদালতের সাহেবদিগের হজুরে কিম্বা সরকারের অন্য যে কোন কার্য্যকারক সাহেবের প্রতি দিব্য করাইবার ভার আছে তাঁহার সাক্ষেতে কেহ কোন দেওয়ানী কিম্বা ফৌজদারী মোকদ্দমার নিষ্পত্তি সম্পর্কীয় কোন ভারি কথাতে জানিয়া সুনিয়া সপথের কিম্বা সুকৃতি পত্রের পাঠের অন্যথাচরণ করিয়া মিথ্যা জোবানবন্দি করিয়া দেয় তাহাকে মিথ্যা সাক্ষিদিগের মধ্যে গণা যাইবেক এবং উপরের ধারার লিখিত সাস্তি পাইবার উপযুক্ত হইবেক ইতি।

TO THE MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

No. 224.

Lower Provinces, 9th January, 1846.

Intimating prohibition of the practice of moonsiffs leaving their records at the thannahs.

I AM directed by the Court to transmit to you, for your information, the accompanying copy of a circular, addressed to the civil judges, regarding the custody of the records of the moonsiffs absent from their stations on leave.

Circular to the Civil Judges in the Lower Provinces.

The Court have reason to believe that it is the practice of moonsiffs to deposit their records at the nearest thannahs when they are absent from their stations, during the vacations, or at any other time. As this is an objectionable practice, the Court are pleased to direct that, except at the vacations, moonsiffs, who are about to avail themselves of leave of absence, will leave their records in the custody of their umlah; and that at the vacations, when the umlah are permitted to go to their homes, they will pack up the records in boxes, sealing the boxes in the usual manner, and placing a guard of peons over the cutcherry during their absence.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 13*th March,* 1846.

No. 225.

Forgery brought to light in the course of judicial proceedings, in the civil and criminal courts, are to be dealt with according to the rules prescribed in cases of perjury. This rule is not to prevent prosecutions, in the magistrate's court, for forgery, irrespective of judicial proceedings.

CONSTRUCTIONS Nos. 454, 820, and 1221, and the Circular Order, Nizamut Adawlut, No. 14, dated the 5th December 1828, having received the re-consideration of the Courts of Sudder Dewanny and Nizamut Adawlut, for the Lower and North Western Provinces, and being found at variance with other instructions* on the same subject, which declare preliminary enquiry and commitment, in cases of forgery brought to light in the course of judicial proceedings, to be the peculiar duty of the civil courts, are hereby rescinded.

* Construction No. 572, para. 3, Construction No. 704, Circular Order, No. 169, dated 29th May 1835.

2. In such cases, it will be no longer optional with the civil courts, as implied in the several Constructions and the Circular Orders hereby revoked, either to commit the accused for trial before a special sessions, or to direct a prosecution for forgery, or to declare the party aggrieved by such forgery, at liberty to institute a prosecution in the criminal court, as to them may seem fitting; but it will be incumbent on those courts, in

all cases of forgery brought to light in the course of judicial proceedings, to conform strictly to the rules prescribed for adoption in cases of perjury by Section 2, Regulation III. of 1801, by Section 3, Regulation VII. of 1813, Section 14, Regulation IV. of 1793, (corresponding with Section 8, Regulation III. of 1803,) and Section 14, Regulation XVII. of 1817.

3. The same rule is to be considered applicable, *mutatis mutandis*, to cases of forgery, brought to light in the course of judicial proceedings in a criminal court.

4. These instructions are not intended to exclude from the cognizance of the magisterial authorities criminal prosecutions for forgery, which may be instituted irrespectively of proceedings in any civil or criminal court.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 226. *Lower and Western Provinces, 1st May,* 1846.

Error in the Persian and Bengallee versions of Reg. XX. 1817.

THE Court circulate the subjoined amendment of an error in the Persian and Bengalee versions of Clause 1, Section 24, Regulation XX. 1817.

قانون بستم سنه ۱۸۱۷ عیسوی

دفعه چوبیسوین ضمن اول

غلط	صحیح
یک قطعه سمن مثبته بدستخط خود	یک قطعه سمن مثبته بدستخط خود
و مهر تهانه معرفت برقندازیا مختار	و مهر تهانه معرفت برقندازیا مختار
کار معروف مدعی بر مدعی علیه	کار معروف مدعی علیه بر مدعی علیه
جاري نمایند الخ	جاری نمایند الخ

ইঙ্গরেজী ১৮১৭ সালের ২০ বিংশ আইন

২৪ ধারা ১ প্রথম প্রকরণ

অসুদ্ধ।	সুদ্ধ।
আপন দস্তখৎ ও থানার মহরজুক্তে এক সমন বরকন্দাজের মারফতে কিম্বা ফৈরাদির পরিচিত মোক্তারকার হাজির থাকিলেও কোন ওজর না করিয়া সমন লইলে তাহার মারফতে আসামির উপরে পাঠায় ইত্যাদি।	আপন দস্তখৎ ও থানার মহরজুক্তে এক সমন বরকন্দাজের মারফতে কিম্বা আসামির পরিচিত মোক্তারকার হাজির থাকিলেও কোন ওজর না করিয়া সমন লইলে তাহার মারফতে আসামির উপরে পাঠায় ইত্যাদি।

TO THE SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES, AND SAUGOR AND NERBUDDA TERRITORIES.

Western Provinces, 2d May, 1846. No. 227.

THE Court of Nizamut Adawlut, for the North Western Provinces, hereby notify, that Construction No. 959, which rules that the power of a sessions judge to fine is unrestricted as to amount, having been issued without the concurrence of this Court, must be considered to have operation and effect in the Lower Provinces only.

Construction 959 to be deemed to have currency in the Lower Provinces only.

TO THE SESSIONS JUDGES IN THE NORTH WESTERN PROVINCES, SAUGOR AND NERBUDDA TERRITORIES, AND COMMISSIONER OF KUMAON.

Western Provinces, 16th May, 1846. No. 228.

THE Court desire that sessions judges, in referring trials for the final orders of the Nizamut Adawlut, will insert in the marginal note, prescribed by the 10th paragraph of Circular Order, Nizamut Adawlut, No. 54, dated 16th July 1830, the names of those prisoners only in regard to whom the reference is made; the inclusion of others, who have either died or escaped prior to the termination of the trial, or been acquitted or sentenced by the sessions judge, being calculated only to create confusion and mislead without being productive of any corresponding benefit.

The names of those only in regard to whom a trial is referred, are to be mentioned in the letter of reference ; and no papers are to be sent which relate exclusively to those who are acquitted, &c.

2. It will be unnecessary, under the operation of this rule, to submit transcripts of such portions of the record as may relate exclusively to the prisoners in regard to whom the trial, for whatever reason, may not be referred to the Nizamut Adawlut, such, for instance, as the defence of such prisoners, or the deposition of witnesses called on their behalf.

TO THE SESSIONS JUDGES AND COMMISSIONERS IN THE LOWER PROVINCES.

No. 229. *Lower Provinces, 22d May,* 1846.

Circular No. 130, 24th February 1843, superseded. But session judges to record their reasons for recommending imprisonment for life not in transportation.

THE Court are pleased to intimate that the rule prescribed by Circular Order, No. 130, dated 24th February 1843, that the session judges shall invariably recommend that a prisoner be sentenced to transportation for life instead of imprisonment for life, is no longer required to be observed, in consequence of the enactment of Act XIV. of 1844, which authorises a single judge of the Sudder Court to pass sentence of transportation beyond sea for life, against a prisoner recommended to be imprisoned for life. They however direct that the session judges, when proposing a sentence of imprisonment for life in the Allipore jail, record their reasons for not recommending one of transportation beyond sea.

TO THE SESSIONS JUDGES IN THE LOWER AND THE AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

No. 230. *Lower Provinces, 12th June,* 1846.

The names of witnesses not named in the magistrate's calendar, to be entered therein by session judges in trials referred or called for.

THE Court request that an entry be made, in the copy of the English calendar, which, under the Circular Order, No. 187, 25th October 1844, is sent with all trials referred or called for, of the names of all witnesses, not named in the magistrate's calendar, whom the sessions court may have thought proper to summon and examine.

TO THE SEVERAL CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 231. *Lower and Western Provinces, 12th June,* 1846.

Explanatory of the nature of the assistance to be rendered to the sheriff's officers charged with writs of capias.

PURSUANT to the orders of Government, the Court publish, for the information of the criminal authorities, the accompanying copy of a correspondence regarding the nature of the assistance which magistrates are expected to afford sheriff's officers, entrusted with the execution of writs of capias issued by the Supreme Court against parties residing in the mofussil.

From A. Campbell, Esq., Magistrate of Darjeeling, to F. J. Halliday, Esq., Secretary to Government of Bengal, Fort William.

Dated Darjeeling, the 29th April, 1846.

SIR,—I have the honor to request that you will procure for me the opinion of the Advocate General on my proceedings as noted in the margin,* and such opinion as may guide me in deciding on any further steps that may be taken before me in the matter by the sheriff's bailiff, either with or without a "writ of assistance," or other process issued by the Supreme Court.

* Letter of sheriff's officer dated 27th April, with order thereon. Letter of ditto dated 28th, with order thereon of the 29th.

2. I have grounded my proceedings, in the absence of any sanction in the Regulations to compliance with the sheriff's officer's requisitions, on decisions of the Sudder Courts, noted underneath.

1. Constructions No. 765, dated March 8th 1833.
2. No. 800, dated 21st June 1833.
3. No. 636, dated 20th May 1831.

I have, &c.,
(Signed) A. CAMPBELL,
Magistrate.

A. Campbell, Esqr., Magistrate of Darjeeling.

SIR,—I have to request you will give me a posse of your police force to assist and protect me in the execution of my duty, in conveying ———— under civil arrest to Calcutta.

I have, &c.,
(Sd.) W. GRANT,
Sheriff's Officer.

DARJEELING,
27th April, 1846.

Order. If the sheriff's officer desires protection, he must make affidavit to his belief that such is requisite. Assistance in the conveyance of a prisoner under civil arrest is not directed by the Regulations.

(Sd.) A. CAMPBELL,
Magistrate.

DARJEELING,
28th April, 1846.

A. Campbell, Esqr., Magistrate of Darjeeling.

SIR,—I am in receipt of your order passed upon my letter of yesterday's date, requesting the assistance and protection of your police force in the execution of my duty in conveying ——— under civil arrest to Calcutta.

I have the honor to observe that I consider it necessary to call upon you for a police force to protect and assist me in the execution of my duty in conveying ——— under civil arrest to Calcutta, on account of the position I stand in with ———, he having threatened to break every bone in my body if I went over to his house.

If you require an affidavit to the facts, I am ready (at any time you think proper) to give it.

I request the favor of your reply, and respectfully beg to call your attention to the sheriff's official letter of the 5th ultimo.

I have, &c.,
(Signed) W. GRANT,
Sheriff's Officer.

DARJEELING,
28*th April*, 1846.

Sworn to before me this twenty-ninth day of April, one thousand eight hundred and forty-six.

(Signed) A. CAMPBELL,
J. P. and Magistrate.

DARJEELING,
29*th April*, 1846.

Order on the letter of Mr. Grant, sheriff's officer, dated Darjeeling, 28th April 1846.

The magistrate does not consider the sheriff's letter to his address of the 5th March tantamount to a "writ of assistance," issued by the Supreme Court: he will not afford protection to the sheriff's officer in the invasion of premises; and the regulations do not authorize him to assist at all in conveying a prisoner under civil arrest to the sheriff.

(Sd.) A. CAMPBELL,
Magistrate.

DARJEELING.
29*th April*, 1846.

To T. B. Swinhoe, Esq., Solicitor to the Hon'ble East India Company.

Judicial.

SIR,—I am directed by the Hon'ble the Deputy Governor of Bengal to transmit in original the accompanying letter, No. 84, of the 29th ultimo, with enclosures, from the superintendent of Darjeeling, and to request that you will obtain the opinion of the Advocate General in the case therein alluded to.

2. It is requested that the original enclosures may be returned with your reply.

I am, &c.,

(Signed) A. TURNBULL,

Under Secretary to the Government of Bengal.

FORT WILLIAM,
The 13th May, 1846.

OPINION.

Mr. Campbell seems to labor under considerable misapprehension as to the authority under which the sheriff's officer is acting.

The sheriff's letter is little more than an act of courtesy, important only as conveying notice to the magistrate that his assistance may be required.

The authority under which the sheriff, or his bailiff in his place, is acting, is a writ of capias issued out of the Supreme Court on its common law side, directed to the sheriff and commanding him to seize the body of ———, and to have it at a certain time and place before the Court, &c.

A writ of assistance, the execution of which the magistrate seems to admit he would be bound to aid, is a writ issuing out of the Supreme Court on its equity side directed also to the sheriff and commanding him to put a certain person into the possession of certain premises.

It seems to me that a magistrate in the mofussil is bound to aid the due execution of the former writ, upon precisely the same principle as that on which he is bound to assist in the execution of the latter. The only difference between them in respect of authority is,

that whereas doubts may have existed heretofore as to the power of the Court to decree possession of lands in the mofussil, none has ever existed as to its power to take, either on mesne process, or in execution, the bodies of British subjects within the local limits of its jurisdiction.

Now upon referring to Mr. Advocate General Pearson's letter of the 21st of July 1820, which appears to have been ever since very properly acted upon, (see Circular Orders of the Sudder Dewanny Adawlut, vol. II. No. 31, and Constructions by the Sudder Dewanny Adawlut and Nizamut Adawlut, vol. II. No. 636, the last being one of the authorities referred to by Mr. Campbell,) it will be found that the obligation of the mofussil authorities to lend their aid to the execution of a writ of assistance does not depend upon the peculiar nature or terms of that writ, but upon the force of the 39th section of the Charter of Justice, and the analogy between the power of the sheriff to call for assistance under that section, and the power of a sheriff in England to call upon the posse comitatus.

Applying that principle to the present case, it seems to follow that whereas in England the sheriff, where assistance is required, is, in the execution of a capias ad satisfaciendum, *bound*, and is, in the execution of a capias ad respondendum, *at liberty* to call upon the posse comitatus, so here if he has occasion to call upon the magistrate for assistance, the magistrate ought to render it.

That assistance ought of course to be confined to the legal execution of the writ; for instance, the police officers furnished by the magistrate ought not to aid the bailiff in breaking into a house, but they accompany him if he enter the premises without breaking in, and ought to prevent any breach of the peace when the arrest is made or rescue after it has been made.

I do not see that the obligation upon the magistrate extends so far as to make it necessary for him to furnish men to assist in the conveyance of the prisoner to Calcutta.

(Sd.) JAS. WM. COLVILE.

May 15*th*, 1846.

(A True Copy,)

(Sd.) T. B. SWINHOE,

Solicitor to the East India Company.

To A. Campbell, Esq., Superintendent of Darjeeling.

SIR,—I am directed by the Hon'ble the Deputy Governor of Bengal to acknowledge the receipt of your letter, No. 84, of the 29th ultimo, with enclosures, and in reply to transmit, for your information and guidance, the accompanying copy of the Advocate General's opinion on the points therein referred.

Judicial.

I have, &c.,

(Sd.) A. TURNBULL,

Under Secretary to the Government of Bengal.

FORT WILLIAM,
The 20th May, 1846.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower and Western Provinces, 10*th July*, 1846. No. 232.

Explanatory of the nature of the assistance to be rendered to the sheriff's officers charged with writs of capias.

PURSUANT to the orders of Government, the Court publish, for the information of the criminal authorities, the accompanying copy of the Advocate General's further opinion on the subject of their Circular Order, No. 8, of the 12th ultimo, viz. the nature of the assistance which magistrates are expected to afford the sheriff's officers entrusted with the execution of writs of *capias* issued by the Supreme Court against parties residing in the mofussil.

OPINION.

My observations regarding Mr. Campbell's supposed misapprehension of the sheriff's officer's authority had reference to Mr. C.'s proposition (which distinctly appeared in the papers before me) that he was not bound to give the aid required because the writ was not a *writ of assistance*. It therefore seemed to be not wholly beside the question to shew that, if the magistrate were bound to assist in the execution of the one writ, he was, by parity of reasoning, equally bound to assist in the execution of the other.

It now appears, though to the best of my recollection it did not appear from the former case, that the arrest has been effected, and, since no escape or rescue is mentioned, I conclude that the prisoner is still in custody. The simple question referred to me seems to be, is, under these circumstances, the magistrate to grant to the sheriff's officer, who is under apprehension of violence, a *posse* to assist in the conveyance of the prisoner to Calcutta? Mr. Campbell says that the two last paragraphs of my former opinion *preclude* him from complying with the bailiff's requisition. I do not think they go quite so far as that: the last but one would rather imply the contrary, for the writ cannot be said to be fully *executed* until the prisoner is conveyed to Calcutta. The last states only that "in my opinion the magistrate is not *bound* to furnish men to assist," &c., not that he would act *illegally* in doing so. By the opinion expressed in that paragraph, I abide, for the following reasons.

The obligation on the mofussil magistrates to assist in the execution of process issuing out of the Supreme Court, whether it be a perfect or an imperfect obligation, seems to arise out of the last clause in the Charter of Justice, which contains substantially the same injunction as that contained in the patent of assistance granted to sheriffs in England, and in which their power to raise the *posse comitatus* is supposed to be implied (see Dalton's Office of Sheriff, pp. 5 and 8.) Now, according to the unanimous opinion of the judges, as delivered to the House of Lords in *Miller versus Knox*, 4 *Bing. N. C.* 574, the sheriff has power, even though there be only a shew of intended resistance, to call upon such persons as are of proper age, *and fit and able to travel*, and especially ministerial officers, as constables, and the like, to assist him in the execution of the writ within the county, and such persons are punishable if they refuse to assist. It seems, however, very questionable whether this can be said to be the law of this country. In England the jurisdiction of the sheriff, and consequently the liability of those who are called upon to assist, is confined to the bounds of a county. Here the writs, which the sheriff of Calcutta executes, run through the whole of the vast province of Bengal, and it seems preposterous to contend that, in the absence of any express enactment and by the mere force of analogy, an individual at Delhi may be compelled to assist a sheriff's officer in the transport of a prisoner to Calcutta. Again, I am not aware that the obligation resulting or supposed to result from the last clause of the Charter has ever been enforced, or could be enforced by indictment or information, as the obligation to assist the sheriff might be enforced in England. Its performance therefore seems to depend mainly upon the instructions to be given by the Government to its magistrates and other subordinate officers; and though it would certainly not be very creditable to the Government of any country to permit the process of a competent court to be successfully defied, yet it seems rather too much to say that the Government is to undertake the expence of escorting persons taken on civil process from one end of the province to the

other, or, supposing it indemnified against the expence, that it is to denude for such purposes a district of its requisite police force.

In the particular case in question, there seems to be no apprehension of a forcible rescue by numbers, but a mere apprehension of violence on part of the prisoner. I confess, I cannot see why, in such a case, the bailiff should not take steps before the nearest justice of peace to have his prisoner bound over in heavy penalties to keep the peace towards him, or why he should not himself hire a sufficient number of fellows to prevent the escape of one man, however powerful and violent he may be.

I therefore repeat my opinion, that the magistrate is not bound to furnish a *posse* of men to assist in the conveyance of the prisoner, but I cannot think that he would incur any *legal* responsibility in so doing, should he think that there is any thing in the special circumstances of the case which requires such extraordinary assistance; and if I were to venture to lay down any general rule of conduct for the guidance of magistrates in such cases, it would be this, that, when required so to do, they take such measures as may be necessary to insure the peaceable execution of legal process within the limits of their own district or local jurisdiction, not travelling beyond it. Such a rule, if applied to the present case, would induce Mr. Campbell to provide for the peaceable removal of ———— from Darjeeling, but not for his transport to Calcutta. I have given my opinion at this length, because, from all I can learn, the case, in all its circumstances, is a novel one.

(Signed) JAMES WM. COLVILE.

June 16th, 1846.

TO THE CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower and Western Provinces, 28th August, 1846. No. 232.

Form of writ under Act XXIII. 1840.

THE Court are pleased to prescribe the following form of writ, for the attachment of movable or immovable property of persons, charged with criminal offences, who have absconded, to be used under Act XXIII. 1840,—the words "land or other immovable property" being employed when the attachment has reference to the rule in Clause 4, Section 26, Regulation XX. 1817, and the words "goods, effects, or other property," when it has reference to Clause 6 of that section.

No. 11.

WRIT FOR ATTACHMENT OF PROPERTY OF PERSONS CHARGED WITH CRIMINAL OFFENCES, WHO HAVE ABSCONDED.

To Mohummud Ally, Nazir of the Fouzdarry Court of Zillah Hooghly.

Whereas a warrant was issued on the for the apprehension of Ramdhun Bose, inhabitant of Byedbatty, to answer to a charge of and afterwards a proclamation was made, in conformity to Section 4, Regulation XI. 1796, for the appearance of the said Ramdhun Bose; and whereas the said Ramdhun Bose has failed to make his appearance within the time limited in the said proclamation: you are therefore hereby authorized and commanded to attach and sequestrate any (land or other immovable property) (goods, and effects, or other property) belonging to or possessed by the said Ramdhun Bose, and to hold the same under attachment and sequestration until otherwise commanded.

Dated the 15th day of August, 1846.

A. B.,
Magistrate.

L. S.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

No. 233.

Lower Provinces, 25th September, 1846.

Officers in charge of monies to forward their accounts in time to enable the accountant to close the public accounts on the prescribed dates.

I AM directed by the Court to forward to you, for your information and future guidance, the accompanying copy of a letter (No. 2393, of the 16th instant) and of its enclosures, from the under secretary to the Government of Bengal, requiring officers in charge of public monies to prepare and forward to the accountant to the Government of Bengal the accounts of their departments, *in time* to enable that officer to close the public accounts on the dates specified in the memorandum, annexed to the resolution of the Hon'ble the Deputy Governor of Bengal, in the financial department, dated 19th June last.

From the Government of Bengal to the Court, No. 2393, *dated the 16th September*, 1846.

I am directed by the Hon'ble the Deputy Governor of Bengal to transmit, for your information, the accompanying copy of an extract, No. 303, from the proceedings of the Government of Bengal, in the financial department, dated the 21st ultimo, and of its enclosures, and to request that you will issue the necessary instructions to the officers

subordinate to you, to prepare and forward to the accountant to the Government of Bengal the accounts of their departments in time to enable the accountant to close the public accounts, on the dates specified in the memorandum, which forms an enclosure in the extract.

(No. 303.)

Extract from the proceedings of the Hon'ble the Deputy Governor of Bengal, in the Financial Department, under date the 21*st August,* 1846.

Read a letter from the accountant to the Government of Bengal, dated the 12th instant, forwarding a memorandum of returns due to the several branches of his office on the 31st ultimo.

Read the reply thereto, dated the 21st instant.

Read again the resolution in this department, under date the 19th June last, specifying the dates on which the departmental accounts of Bengal may be conveniently closed, and directing that the accountant be instructed to observe those dates carefully in future, and to submit an explanatory report on the cause of delay in every instance in which they may not be adhered to punctually.

Ordered, that a copy of the resolution, above adverted to, together with extract* from the Hon'ble Court's despatch to the Government of India, No. 18, dated the 23d September 1845, therein quoted, and a copy of the letter from this department to the accountant to the Government of Bengal, No. 302, dated the 21st instant, be forwarded to the secretary to the Government of Bengal, with a view to the adoption of measures for expediting the transmission to the accountant of returns from officers under the control of the Government of Bengal, whose accounts that officer may find it necessary to report to the Bengal office to be in arrears.

* Para. 1.

(A True Extract,)

(Sd.) J. DORIN,

Secretary to the Government of India.

Fort William, Financial Department, the 19*th June,* 1846.

Read an extract from the proceedings of the Hon'ble the President of the Council of India in Council, in the financial department, of this date, forwarding copy of a despatch from the Hon'ble Court of Directors, No. 18, of 1845, dated the 23d September, desiring to

be furnished, in future, with the financial statements of Bengal and the North Western Provinces, at an earlier period than that which has hitherto been observed, and with a separate copy thereof for the use of the Board of Commissioners for the Affairs of India.

Resolution.—The Hon'ble the Deputy Governor of Bengal observes that, under the resolution of the Government of India, in the financial department, dated the 15th March 1843, the dates fixed for the despatch to the Government of India of the financial returns of the several presidencies, are as follows:

Sketch estimate of each year,..... by 31st July of each year.
Regular ditto,..... „ ..... by 31st December ditto.
Actual accounts,..... „ ..... by 28th February of the following year.

These dates he understands, from the memorandum noted in the margin,* have been carefully observed by the offices of account under the Governments of Madras and Bombay, and not materially exceeded by the accountant in the North Western Provinces. His Honor is aware that the Bengal accounts, from embracing not only the receipts and disbursements of the Government of Bengal, but those of a general character, occurring at all the presidencies, and under the control of the Government of India, cannot be closed on so early a date as the returns from the other presidencies; but he considers that the best way of accelerating the preparation of the general account made up in Bengal is to expedite the completion of the departmental accounts, and he is informed that the latter may be conveniently closed on the dates specified in the accompanying memorandum. The Deputy Governor, therefore, resolves, that the accountant be instructed to observe these dates carefully in future, and to submit an explanatory report on the cause of delay in every instance in which they may not be adhered to punctually.

* *Date of despatch to Government of India.*

	Sketch.	Regular.	Actual.
	1844-45.	1844-45.	1844-45.
Bengal,...	22d August 1844,...	3d February 1845,...	8th June 1846.
Agra, ...	16th August 1844,..	29th January 1845, ...	27th March 1846.
Madras, ..	23d July 1844, ...	23d December 1844, ...	21st February 1846.
Bombay,..	31st July 1844, ...	26th December 1844,...	23d February 1846.

Ordered, that a copy of the foregoing resolution and of the memorandum annexed thereto, together with a transcript of the Hon'ble Court's despatch to the Government of India, No. 18, dated the 23d September 1845, be forwarded to the accountant to the Government of Bengal for his information and guidance.

Memorandum of the dates on which the Accounts of Receipts and Disbursements of the undermentioned Departments under the Accountant in Bengal can be closed.

	Date of closure of last Abstract.	Date of closure of Account.
Government Agency, ...	31st July of each year.	31st January of each year.
Savings' Bank, ...	31st July.	
Mint, ...	31st August.	
Stamps, ...	30th September.	
Post Office, ...		
Judicial, ...	30th November.	
Land Revenue, ...		
Abkaree, ...	31st October.	
Sayer, ...		
Customs, ...		
Salt, ...	31st October.	
Opium, ...		
Marine, ...		
Civil Buildings, ...	30th November.	
Eastern Settlements, ...	30th September.	

Extract from a letter from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, under date the 23rd September, 1845.

No. 18.

Bengal Statement of Actual Receipts and Disbursements.	*Regular Estimate.*	*North Western Provinces Statement of Actual Receipts and Disbursements.*	*Regular Estimate.*
1835-36,	21st May 1838,	24th April 1837,	30th Octr. 1839.
1836-37,	8th June 1839,	19th May 1838,	28th Feby. 1839.
1837-38,	24th Feby. 1840,	13th April 1839,	21st Sept. 1839.
1838-39,	11th Feby. 1841,	6th July 1840,	27th July 1840, 8th Feby. 1840.
1839-40,	11th Decr. 1841,	14th Decr. 1840,	7th July 1841, 5th Decr. 1840.
1840-41,	13th Jany. 1843,	11th Feby. 1842,	15th Novr. 1842, 11th Octr. 1841.
1841-42,	11th Decr. 1843,	12th April 1843,	11th June 1844, 10th March 1843.
1842-43,	11th Novr. 1844,	13th March 1844,	17th Feby. 1845, 11th June 1844.
1843-44,	not yet received,	13th May 1844,	3d July 1845, 9th June 1845.
1844-45,	not yet received,	16th May 1845,	not yet received.

STATEMENT OF QUICK AND DEAD STOCK.

	Bengal.		*North Western Provinces.*	
30th April 1836,	.....	15th July 1839,	.....	May 1838.
„ 1837,	....	18th Augt. 1840,	.....	13th March 1839.
„ 1838,	.....	13th May 1841,	.....	Feby. 1840.
„ 1839,	.....	23d Augt. 1842,	....	11th Decr. 1840.
„ 1840,	.....	9th Augt. 1843,	.....	18th Jany. 1842.
„ 1841,	.....	12th July. 1844,	.....	18th Jany. 1843.
„ 1342,	.....	26th Augt. 1845,	.....	15th April 1844.
„ 1843,	.....	not yet received,	.....	29th April 1845.
„ 1844,	.....	not yet received,	.....	not yet received.

COMPARATIVE STATEMENT OF BENGAL DEBT.

On 30th April 1835 and	30th April 1836,	.....	12th April 1839.
„ 1836	„ 1837,	.....	17th Augt. 1840.
„ 1837	„ 1838,	.....	31st March 1841.
„ 1838	„ 1839,	.....	19th Jany. 1842.
„ 1839	„ 1840,	.....	17th March 1843.
„ 1840	„ 1841,	.....	14th Novr. 1843.
„ 1841	„ 1842,	.....	11th Decr. 1843.
„ 1842	„ 1843,	.....	11th Novr. 1844.
„ 1843	„ 1844,	.....	not yet received.

1. In the margin are exhibited the dates at which the several financial statements of the Presidency of Bengal and the North Western Provinces have been received by us commencing with those relating to the year 1835-36. The importance of our being supplied with early and ample information regarding India finance must be evident to you, and we desire that you take into immediate consideration the adoption of such measures as may enable you, in future, to furnish us with the similar statements at an earlier period than that which has hitherto been the custom.

(No. 302.)

From the Secretary to the Government of India, in the Financial Department, to the Accountant to the Government of Bengal, dated the 21st August, 1846.

I am directed to acknowledge the receipt of your letter, No. 17, of the 12th instant, giving cover to a memorandum of returns due to the several branches of your office on the 31st ultimo, and, with reference to the two instances, noted in the margin,* of delay in the receipt by you of the accounts of resident councillor at Singapore and the postmaster of Monghyr, to request that, in every instance of delay in the receipt of the returns due to you from officers under the control of the Government of Bengal that you apprehend will compel you to postpone closing your departmental accounts of receipts and disbursements beyond the dates fixed for their completion, you will be good enough to report to the secretary to the Government of Bengal the fact of such delay, and its anticipated effect upon your own accounts, in order that the Government of Bengal may adopt effectual measures to put you in timely possession of the required returns.

* Singapore cash account for March and April 1846. Monghyr Post office ditto from February to April.

TO THE SESSION JUDGES, MAGISTRATES, AND JOINT MAGISTRATES IN THE LOWER PROVINCES.

No. 234.

Lower Provinces, 30th October, 1846.

Rules to be observed by magistrates in committing, and session judges in trying persons whose commitment has been necessitated by their implication with others in offences which the magistrates are not competent to try.

WITH reference to the Constructions, noted in the margin,* which communicate that, whenever the commitment of one prisoner may be requisite under the Regulations, all others implicated in the same offence should likewise be committed, the Nizamut Adawlut direct that, if such a circumstance induce commitment, the same shall be stated by the magistrates, and officers exercising the powers of magistrates, as other circumstances, necessitating commitment in cases otherwise within the magistrate's competence to pass sentence, are required to be stated by their Circular Order, No. 239, dated 1st September 1820.

* No. 379, dated 8th April 1825. No. 622, dated 28th January 1831.

2. In the case of a party, whom, but for the commitment of his accomplices, the magistrate could have sentenced, the Court observe that the session judges should refrain from awarding to him a greater measure of punishment than the magistrate has authority to impose for offences of the kind.

3. The session judges must, for this purpose, be careful that the magistrates duly note the reason for commitment in their roobacarees, and they must themselves show in their remarks under what circumstances the sentence recorded has been adjudged.

TO THE CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 13th November, 1846.

No. 235.

In modification of Circular Order, No. 1, vol. III. declares convicts sentenced to labor in irons punishable with stripes for offences, such as those enumerated in Section 5, Regulation XIV. 1816, as being opposed to the maintenance of jail discipline.

THE Courts of Nizamut Adawlut, for the Lower and North Western Provinces, having re-considered their Circular Order, No. 1, dated Lower Provinces, 15th September and Western Provinces, 10th November 1837, are agreed, that it needs amendment, giving too restricted a meaning to the provisions of Section 6, Regulation II. of 1834. The Courts are of opinion that all offences which are opposed to the maintenance of discipline in the public jails, are, when committed by "convicts sentenced to labor in irons," punishable with stripes under the law cited, and they are pleased accordingly to declare that the exception, enacted in the said Section 6, Regulation II. of 1834, shall be held to extend to the several offences enumerated in Section 5, Regulation XIV. of 1816, as opposed to the maintenance of "good order and discipline" in the jails, whenever such offences may be established against "convicts sentenced to labor in irons."

2. The Court desire it, however, to be borne in mind, that "corporal punishment" must be "moderate," and that it should be inflicted only when it is thought to be "unavoidable for the maintenance of the discipline of the jails."

SUPPLEMENTARY RULES FOR THE PREPARATION OF THE MAGISTRATE'S STATEMENTS*.

* Continued from page 243.

† Issued 10th February 1846.

136.† Whenever any individual, having been acquitted of a penal act, on the ground of insanity, and detained in confinement in default of security, may be entered in part 5, of Statement No. 2, magistrates will be pleased to append a note in the margin distinguishing him from others exhibited in the same part and statement.

‡ Issued 29th April 1846.

137.‡ That the Court may be enabled to ascertain to whom delay, in the examination and discharge of witnesses, may be attributable, the magistrates will be pleased to make the following addition to Statement No. 2, part 3, exhibiting the number of witnesses examined by each magisterial agent, and the periods during which they were detained in attendance by each. The responsibility of delay, and the duty of explaining its cause, will rest on the officer, whether magistrate, assistant, or other, before whom it may occur.

The subjoined form can be appended without difficulty to part 3, Statement No. 2, by simply prolonging the columns, filling up the first column in the manner shown in the exemplar:

By Mr. ..... Magte.																		
„ ..... „																		
„ ..... „																		
„ ..... „																		
„ ..... „																		
„ ..... „																		

* Issued 11th December 1846.

138.* With a view clearly to indicate the head in part 7 of Statement No. 1, under which fines of 10 rupees should be entered, the Court are pleased to enjoin substitution of the words " not exceeding" for the word " under," which occurs in the heading of columns 11 and 12.

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